

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

)
NUSTAR FARMS, LLC,)
ANTHONY NUNES, JR., AND)
ANTHONY NUNES, III,)
)
Plaintiffs,) Case No.
) 5:20-cv-04003-CJW-
vs.) MAR
)
RYAN LIZZA, HEARST)
MAGAZINE MEDIA, INC.,)
)
Defendants.)
_____)

ZOOM VIDEOTAPED DEPOSITION OF DEVIN NUNES
Tulare, California
Tuesday, August 10, 2021
Volume I

Reported by:
LORI M. BARKLEY CSR No. 6426
Job No. 4751278

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<div>Page 2</div> <div> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF IOWA</p> <p>3 WESTERN DIVISION</p> <p>4</p> <p>5</p> <p>6)</p> <p>7 NUSTAR FARMS, LLC,)</p> <p>8 ANTHONY NUNES, JR., AND)</p> <p>9 ANTHONY NUNES, III,)</p> <p>10)</p> <p>11) Case No.</p> <p>12 Plaintiff,) 5:20-cv-04003-CJW-</p> <p>13) MAR</p> <p>14 vs.)</p> <p>15)</p> <p>16 RYAN LIZZA, HEARST)</p> <p>17 MAGAZINE MEDIA, INC.)</p> <p>18)</p> <p>19 Defendants.)</p> <p>20)</p> <p>21)</p> <p>22)</p> <p>23)</p> <p>24)</p> <p>25)</p> <p>Zoom Videotaped deposition of Devin Nunes, Volume I, taken on behalf of Plaintiffs, at Tulare, California, beginning at 10:12 a.m., and ending at 4:48 p.m., on Tuesday, August 10, 2021, before LORI M. BARKLEY, Certified Shorthand Reporter No. 6426.</p> </div>	<div>Page 4</div> <div> <p>1 INDEX</p> <p>2 WITNESS EXAMINATION</p> <p>3 DEVIN NUNES</p> <p>4 Volume I</p> <p>5 BY MR. DONNELLAN 6</p> <p>6 BY MR. BISS 195</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 NUMBER DESCRIPTION PAGE</p> <p>11 Exhibit 47 Article from The Federalist 164</p> <p>12 authored by Molly Hemingway.</p> <p>13 Exhibit 74 One-page summary of the Farm 17</p> <p>14 Workforce Modernization Act.</p> <p>15 Exhibit 75 Information on Farm Workforce 17</p> <p>16 Modernization Act from</p> <p>17 congressional website.</p> <p>18 Exhibit 76 Document subpoena. 175</p> <p>19 Exhibit 77 Subpoena to the Devin Nunes 189</p> <p>20 campaign committee.</p> <p>21</p> <p>22 INSTRUCTION NOT TO ANSWER</p> <p>23 Page Line</p> <p>24 141 9</p> <p>25</p> </div>
<div>Page 3</div> <div> <p>1 APPEARANCES:</p> <p>2</p> <p>3 THE HEARST CORPORATION</p> <p>4 OFFICE OF GENERAL COUNSEL</p> <p>5 Jonathan R. Donnellan, Esq.</p> <p>6 - and -</p> <p>7 Nathaniel Boyer, Esq.</p> <p>8 300 West 57th Street, 40th Floor</p> <p>9 New York, NY 10019</p> <p>10 (212) 649-2051</p> <p>11 jdonnellan@hearst.com</p> <p>12 nathaniel.boyer@hearst.com</p> <p>13</p> <p>14 STEVEN S. BISS LAW OFFICES</p> <p>15 Steven S. Biss, Esq.</p> <p>16 300 West Main Street, Suite 102</p> <p>17 Charlottesville, VA 22903</p> <p>18 (804) 501-8272</p> <p>19 stevenbiss@earthlink.net</p> <p>20</p> <p>21 Videographer:</p> <p>22 Jon Manuel</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div>Page 5</div> <div> <p>1 Tulare, California; Tuesday, August 10, 2021</p> <p>2 10:12 a.m.</p> <p>3</p> <p>4 VIDEO OPERATOR: Good morning. We are now going</p> <p>5 on the record at 10:12 a.m. on August 10th, 2021. This</p> <p>6 is the media unit number one of the video recorded</p> <p>7 deposition of Devin Nunes, in the matter of NuStar Farms</p> <p>8 LLC, et al. versus Ryan Lizza, et al., filed in the</p> <p>9 United States District Court for the Northern District</p> <p>10 of Iowa, Western Division. This is case number</p> <p>11 5:20-cv-04003-CJW-MAR.</p> <p>12 This deposition is being held via Zoom</p> <p>13 technology. My name is Jonathan Manuel from the firm</p> <p>14 Veritext Legal Solutions, and I am the videographer.</p> <p>15 The court reporter is Lori Barkley from the firm</p> <p>16 Veritext Legal Solutions.</p> <p>17 Counsel and all present in the room and everyone</p> <p>18 attending remotely will now state their appearances and</p> <p>19 affiliations for the record. If there are any</p> <p>20 objections to the proceeding, please state them at the</p> <p>21 time of your appearance, beginning with the noticing</p> <p>22 attorney.</p> <p>23 MR. DONNELLAN: This is Jonathan Donnellan on</p> <p>24 behalf of defendants and I'm joined by my colleague,</p> <p>25 Nathaniel Boyer.</p> </div>

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<p style="text-align: right;">Page 6</p> <p>1 MR. BISS: I'm Steve Biss. I represent the</p> <p>2 plaintiffs.</p> <p>3 THE VIDEOGRAPHER: Will the court reporter</p> <p>4 please swear in the witness.</p> <p>5 (Witness sworn.)</p> <p>6 THE REPORTER: Please proceed.</p> <p>7</p> <p>8 DEVIN NUNES,</p> <p>9 having been administered an oath, was examined and</p> <p>10 testified as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. DONNELLAN:</p> <p>13 Q. Good morning, Congressman Nunes. How are you</p> <p>14 today?</p> <p>15 A. I'm doing well, thank you.</p> <p>16 Q. Have you testified before?</p> <p>17 A. Testified where?</p> <p>18 Q. In a deposition.</p> <p>19 A. Yes, I have.</p> <p>20 Q. All right. Well, then you'll be familiar with</p> <p>21 some of the instructions that I'll be giving</p> <p>22 preliminarily and you'll take no offense to some of the</p> <p>23 questions --</p> <p>24 A. I can't see any of you. I'm not sure if I'm</p> <p>25 supposed to see you or not.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Yes, it is.</p> <p>2 Q. And if you don't understand a question, please</p> <p>3 let me know. And if you answer a question, I'll assume</p> <p>4 that you understood it. Is that acceptable?</p> <p>5 A. Okay.</p> <p>6 Q. If you need a break at any time, please let me</p> <p>7 know. All that I'll ask is that you answer whatever</p> <p>8 question is pending before we break. All right?</p> <p>9 A. Okay.</p> <p>10 Q. And you understand that you're under oath here</p> <p>11 today as if you were testifying in a court before a</p> <p>12 judge or a jury; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And will your answers be truthful and complete</p> <p>15 today?</p> <p>16 A. Yes.</p> <p>17 Q. Maybe the most single important thing today,</p> <p>18 which is to just tell the truth. That's all you have to</p> <p>19 do. Do you promise to do that?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me what you did to prepare for today's</p> <p>22 deposition, please.</p> <p>23 A. Just set up this iPad to try to make sure it</p> <p>24 worked and maybe a different link, got that done. And</p> <p>25 other than that, just printed off the article that I've</p>
<p style="text-align: right;">Page 7</p> <p>1 (Technology discussion.)</p> <p>2 BY MR. DONNELLAN:</p> <p>3 Q. Do you have any medical condition that impairs</p> <p>4 your memory, Congressman?</p> <p>5 A. No, I do not.</p> <p>6 Q. Any medical condition that would impair your</p> <p>7 ability to tell the truth?</p> <p>8 A. Nope.</p> <p>9 Q. And are you taking any medication that impairs</p> <p>10 your memory or ability to tell the truth?</p> <p>11 A. No.</p> <p>12 Q. And have you taken any alcohol or any other drug</p> <p>13 that might impair your memory or your ability to tell</p> <p>14 the truth?</p> <p>15 A. No.</p> <p>16 Q. All right. Is there any reason why you could</p> <p>17 not testify truthfully here today?</p> <p>18 A. No, there's not.</p> <p>19 Q. All right. And I'll ask, just as we go along,</p> <p>20 that we try not to speak over each other so the court</p> <p>21 reporter can get a clean record and get everything down.</p> <p>22 I will certainly do my best to let you finish your</p> <p>23 answers and I'll ask you to do the same with respect to</p> <p>24 my questions.</p> <p>25 Is that acceptable?</p>	<p style="text-align: right;">Page 9</p> <p>1 got in front of me, the original first article, it's</p> <p>2 right here. And then I printed off a picture of, couple</p> <p>3 pictures of Lizza, the reporter, if you want to see</p> <p>4 those, got those there. And then I've got about 15, 10</p> <p>5 to 15 articles here that I reviewed before this.</p> <p>6 Q. Do you have any other documents in front of you</p> <p>7 right now?</p> <p>8 A. No, I do not.</p> <p>9 Q. Do you have the articles there with you?</p> <p>10 A. I have the Hearst article, yes, this one.</p> <p>11 Q. You said that you printed out 10 or 15 other</p> <p>12 articles.</p> <p>13 A. Oh, yeah.</p> <p>14 Q. Do you have copies of those as well?</p> <p>15 A. Yeah, I've got -- they're right there.</p> <p>16 Q. And what do those articles relate to?</p> <p>17 A. They relate to your reporter Lizza's [REDACTED]</p> <p>18 [REDACTED].</p> <p>19 Q. Do they relate to anything else?</p> <p>20 A. No. I mean, I've read some of them. I haven't</p> <p>21 read all of them in detail, but I've read four or five</p> <p>22 of them.</p> <p>23 Q. And why would you bring those to your deposition</p> <p>24 today?</p> <p>25 A. Preparing. You asked me how I prepared, and I</p>

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<p style="text-align: right;">Page 10</p> <p>1 told you.</p> <p>2 Q. What leads you to believe those would be</p> <p>3 necessary in order to prepare to testify today about</p> <p>4 your knowledge of the case?</p> <p>5 A. Well, because in my case, I think it's quite</p> <p>6 relevant that I filed against you, this pending in the</p> <p>7 Eighth Circuit.</p> <p>8 Q. Okay, do you think it's relevant to your</p> <p>9 parents' case?</p> <p>10 A. I don't know what questions you're going to ask</p> <p>11 me, so I don't know. But you asked me how I prepared;</p> <p>12 this is how I prepared.</p> <p>13 Q. Do you have any personal knowledge about those</p> <p>14 [REDACTED] Mr. Lizza?</p> <p>15 A. Only what I know from what I've read, what I</p> <p>16 read at the time, and how -- and his conduct and his</p> <p>17 behavior when he was in Iowa harassing my family.</p> <p>18 Q. Aside from setting up the link today for the</p> <p>19 deposition, reviewing the Esquire article, printing out</p> <p>20 the two pictures of Ryan Lizza that you showed me, and</p> <p>21 10 to 15 articles about [REDACTED] him, is</p> <p>22 there anything else that you've reviewed in preparation</p> <p>23 for today's deposition, or anything else that you've</p> <p>24 done?</p> <p>25 A. Not that I recall.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Have you reviewed any documents from the NuStar</p> <p>2 case before today?</p> <p>3 A. Other than -- NuStar case, no. I mean, I'm</p> <p>4 familiar with what's in the Eighth Circuit right now.</p> <p>5 Q. So, you haven't reviewed any documents that were</p> <p>6 produced by the parties in the NuStar case?</p> <p>7 A. No.</p> <p>8 Q. Have you reviewed any of the court orders in the</p> <p>9 NuStar case?</p> <p>10 A. No, I have not seen any. I was told you were</p> <p>11 going to send them to, whatever documents you want me to</p> <p>12 look at, that you would send them to Mr. Biss, and</p> <p>13 that's what we discussed here about an hour ago.</p> <p>14 Q. Okay. And did you bring any other documents</p> <p>15 with you to your deposition today other than the ones</p> <p>16 we've just talked about that you've shown me?</p> <p>17 A. Documents, no.</p> <p>18 Q. Have you brought anything else with you to aid</p> <p>19 your memory or to assist you in testifying today?</p> <p>20 A. I have a notepad, I have a pen, and I have an</p> <p>21 iPad here so I can review documents.</p> <p>22 Q. Okay. Do you have anything written on the</p> <p>23 notepad?</p> <p>24 A. No, I do not.</p> <p>25 Q. Do you have any notes on the iPad available for</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Did you speak with anyone before appearing here</p> <p>2 today for your deposition?</p> <p>3 A. I spoke to Steve Biss about an hour ago.</p> <p>4 Q. And for how long did you speak?</p> <p>5 A. I don't know, 20, 30 minutes about this.</p> <p>6 Q. Have you spoken with Mr. Biss at all prior to</p> <p>7 that about your deposition?</p> <p>8 A. No. About other cases, but not deposition.</p> <p>9 Q. Have you spoken with anybody else in preparing</p> <p>10 for your deposition today?</p> <p>11 A. In preparation, no.</p> <p>12 Q. Did you talk with your father about your</p> <p>13 deposition today?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did you speak with your brother about your</p> <p>16 deposition?</p> <p>17 A. No, I did not.</p> <p>18 Q. Did you speak with your mother about your</p> <p>19 deposition?</p> <p>20 A. No, I did not.</p> <p>21 Q. Did you speak with your sister-in-law Lori?</p> <p>22 A. No, I did not.</p> <p>23 Q. Have you reviewed any deposition transcripts</p> <p>24 from the NuStar case before today?</p> <p>25 A. No, I have not.</p>	<p style="text-align: right;">Page 13</p> <p>1 you to review during the deposition?</p> <p>2 A. No.</p> <p>3 Q. Congressman, let's talk first about your</p> <p>4 background, if we may. You grew up working on a farm;</p> <p>5 is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And I understand that your family has --</p> <p>8 includes three generations of farmers, including your</p> <p>9 grandparents, your parents, and you and your brother; is</p> <p>10 that right?</p> <p>11 A. Many other family members, but yes.</p> <p>12 Q. And I have seen that you wrote in the Wall</p> <p>13 Street Journal some years ago, that you bought seven</p> <p>14 head of cattle when you were 14 years old; is that</p> <p>15 right?</p> <p>16 A. That's correct.</p> <p>17 Q. And were they on your family's farm at that</p> <p>18 time?</p> <p>19 A. They were on a pasture that I got from my</p> <p>20 grandfather.</p> <p>21 Q. What kind of farm did your family run when you</p> <p>22 were growing up, was it a dairy farm?</p> <p>23 A. All sorts of farming, so cotton, corn, wheat,</p> <p>24 grapes, dairy, some beef cattle.</p> <p>25 Q. And how old were you when you started working?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. We farmed, I don't know, probably in my 2 lifetime, 10 or 15 different crops. 3 Q. And how old were you when you started working on 4 the family farm? 5 A. Four to five years old. 6 Q. And you worked all throughout your youth on the 7 farm? 8 A. Yeah, all the way through until I was elected to 9 Congress, and then I still farm now. 10 Q. And I understand that you went to college at 11 Cal Poly in San Luis Obispo; is that correct? 12 A. That is correct. 13 Q. And you received a B.A. in agricultural business 14 in 1995; is that correct? 15 A. That's correct. 16 Q. And a master's degree in agriculture in 1996; is 17 that right? 18 A. That's correct. 19 Q. And then afterwards, you went back to work in 20 your family's farm business? 21 A. That is correct. 22 Q. And did president George W. Bush appoint you to 23 serve as the California state director for the U.S. 24 Department of Agriculture's rural development section? 25 A. That is correct.</p>	<p style="text-align: right;">Page 16</p> <p>1 seasonal crop farming and those farming operations which 2 go the entire year; dairy farming is not seasonal, 3 right? 4 A. Well, I don't think you came here for a lesson 5 in agriculture, so I won't bore you with it, but in 6 California it's -- we grow crops 12 months out of the 7 year. It's different than what you'd find in the 8 midwest or in other parts of the world. 9 Q. Fair enough. 10 And are there a lot of farmers in your district, 11 your congressional district? 12 A. Yes, the San Joaquin Valley is the largest 13 agricultural region in the world. 14 Q. Are there a lot of dairy farmers in that 15 district? 16 A. There's all kinds of farmers, over 300 different 17 crops are grown. 18 Q. Are there dairy farmers in your district? 19 A. Yes, there are. 20 Q. And do you believe you're familiar with the 21 issues that are facing America's dairy farmers today? 22 A. As much as one could be. You try to stay on top 23 of the issues as much as you can. 24 Q. You were a co-sponsor of the Farm Workforce 25 Modernization Act of 2019; is that right?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. That was in 2001, I believe; is that right? 2 A. Yep. 3 Q. And you were elected to Congress in 2002, and 4 have served in the House of Representatives ever since; 5 is that right? 6 A. Yes. 7 Q. Have you had any other jobs besides agriculture 8 and politics in your career? 9 A. Nope, that's it. 10 Q. So, it's fair to say you know a lot about 11 agriculture and farming, then? 12 A. I would say so, but, you know, there's always a 13 lot of people that know more than me. 14 Q. Right, I would agree with that. That's true for 15 all of us. 16 And dairy farming has been a part of your 17 family's farming operation throughout the time period 18 that we've been talking about throughout your life; is 19 that right? 20 A. That's correct. 21 Q. And dairy farming is year-round farming; is that 22 right? 23 A. All farming pretty much is year-round farming, 24 especially in California. 25 Q. I guess the distinction I was making is between</p>	<p style="text-align: right;">Page 17</p> <p>1 A. What's the name of it? 2 Q. The Farm Workforce Modernization Act of 2019. 3 A. I don't know, you have to -- you'd have to send 4 me the -- I don't even know, what's the bill number? 5 MR. DONNELLAN: All right, I could send you the 6 bill itself, but maybe what I will do is, I will send 7 you a one-pager that was issued and see if that 8 refreshes your recollection. 9 Congressman, we're going to send you two 10 exhibits which are going to be marked Defendants' 11 Exhibits 74 and Defendants' Exhibit 75. The first one 12 is a one-pager on the Farm Workforce Modernization Act, 13 and the second exhibit, Exhibit No. 75, is from the 14 congressional website showing the bill number and the 15 sponsors and co-sponsors. 16 (Exhibit 74 was marked for identification by the 17 court reporter and is attached hereto.) 18 (Exhibit 75 was marked for identification by the 19 court reporter and is attached hereto.) 20 MR. DONNELLAN: Let me know when you receive 21 those. 22 MR. BISS: Jon, you're sending those to me, 23 correct? 24 MR. DONNELLAN: That's right. Did you receive 25 the exhibit, Steve?</p>

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<p style="text-align: right;">Page 18</p> <p>1 MR. BISS: I received 74. 2 Jon, just for information, is this a duplicate 3 of 11, or is it a different exhibit? 4 MR. DONNELLAN: Different exhibit. 5 MR. BISS: Okay, thank you. 6 MR. DONNELLAN: Sure. 7 THE WITNESS: So, I've got 74. I don't know, I 8 have no idea what 74 is. I don't know the source. I 9 don't know where it came from. It's not a document that 10 I'm familiar with. 11 BY MR. DONNELLAN: 12 Q. Why don't we start with Defendants' Exhibit 75 13 when you receive that. 14 A. Okay, I've got 75. I'm not familiar with this. 15 I know the website. 16 Q. All right, if I could direct your attention to 17 the second page. On the second line, you see that it 18 notes your name there as a co-sponsor, do you see that? 19 A. Yes. 20 Q. And this exhibit was taken from the congress.gov 21 website. 22 Does this refresh your recollection as to your 23 sponsorship of this particular bill -- 24 A. No. No, it does not. 25 Q. And if you take a look at Defendants' Exhibit</p>	<p style="text-align: right;">Page 20</p> <p>1 familiar with all the bills that you vote in favor of or 2 against; is that right? 3 A. Well, yeah, you have to do research, but you're 4 asking me in a deposition here to -- you know, something 5 like this, I'd have to take and look at and analyze and 6 go back and you have to recreate all the steps that it 7 would take to how you get involved in a piece of 8 legislation. 9 Q. All right, just to go back to my question, would 10 it surprise you to learn that you voted in favor of 11 this? 12 A. I have no opinion on that. I mean, because 13 there's going to be -- you could bring up bills for the 14 last 20 years that I either voted for or against, so how 15 do you expect me to comment on something that I don't -- 16 that was two years ago. 17 Q. How many bills a year do you sponsor, 18 Congressman? 19 A. Just depends, you know, every year's different. 20 I couldn't even tell you right now how many I've 21 co-sponsored this year. 22 Q. Do you have a tendency to forget bills that you 23 have co-sponsored? 24 A. No, you would just have to go back and rebuild 25 the legislative process as to why you -- why you</p>
<p style="text-align: right;">Page 19</p> <p>1 74, the one-page summary of the Farm Workforce 2 Modernization Act, I will represent to you that this was 3 obtained from the website of the sponsor of that bill, 4 representative Zoe Lofgren. 5 Does this refresh your recollection at all as to 6 the bill? 7 A. No, it does not. But I wouldn't have any idea, 8 I think I've seen Zoe Lofgren once in the last two 9 years, and this was -- I don't even know what date this 10 is from. I don't have the date -- 11 Q. The date is -- 12 A. It's hard for me to comment on something another 13 member of Congress put out. 14 Q. Let me ask you this question based on your 15 answers. I think I may know how you're going to answer 16 this question, but I'm going to ask it anyway. 17 Do you remember voting in favor of the Farm 18 Workforce Modernization Act of 2019? 19 A. 2019? No. 20 Q. Would it surprise you if you voted in favor of 21 it? 22 A. You could go through my congressional records, 23 we're voting on dozens of bills a week, hundreds, if not 24 over a thousand a year. 25 Q. I understand that. You have an obligation to be</p>	<p style="text-align: right;">Page 21</p> <p>1 co-sponsored a bill or didn't co-sponsor a bill or vote 2 for a bill. Different members have different processes 3 that they go through to do that. 4 Q. Yeah, I understand that, but I'm asking you 5 about a bill that you co-sponsored two years ago, and 6 you're saying that you forget this bill that you 7 co-sponsored. 8 A. No, you said that I forgot it. I just said that 9 I don't have a recollection of this. 10 Q. What's the distinction between forgetting and 11 having no recollection? 12 A. I'm just -- I just want to make sure you're not 13 putting words in my mouth. 14 Q. Is there a distinction between the two? 15 A. Well, I think the issue here is that if you're 16 going to ask me about legislation, you can't -- you put 17 something in front of me that I didn't write and you ask 18 me to comment on it, that was the original question, and 19 you're asking me about bills that were voted on two 20 years ago, which there were hundreds of bills since 21 then. 22 So, I mean, you can go back to hundreds, 23 thousands of bills, and my answer's going to likely be 24 the same. Unless it was something that I was really 25 intimately involved with and if it was recent, then I</p>

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<p style="text-align: right;">Page 22</p> <p>1 could probably have some concept of it, of what you're</p> <p>2 asking.</p> <p>3 Q. Let me ask you about something that you voted</p> <p>4 for more recently. Do you recall the Farm Workforce</p> <p>5 Modernization Act of 2021?</p> <p>6 A. No.</p> <p>7 Q. Do you recall voting for that bill?</p> <p>8 A. I -- I don't know. I'd have to look up the</p> <p>9 record.</p> <p>10 Q. I have to confess, I wasn't -- I wasn't -- I</p> <p>11 wasn't anticipating that you wouldn't recall this bill</p> <p>12 that you just voted for this year.</p> <p>13 MR. BISS: Is that a question, Jon?</p> <p>14 MR. DONNELLAN: No, it's not a question, but now</p> <p>15 I'm thinking about whether or not I want to go through</p> <p>16 the legislation and spend time on that.</p> <p>17 Q. Let me ask you this, Congressman:</p> <p>18 Do you -- do you only vote for bills that you</p> <p>19 support?</p> <p>20 A. Well, you have to vote one way or another. The</p> <p>21 legislative process is always complex because you're</p> <p>22 often left with some of what you like, some of what you</p> <p>23 don't like, and so you -- so you have to -- there's some</p> <p>24 things you support, sometimes you vote for it, sometimes</p> <p>25 you don't. Sometimes you have to vote against things</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. All right, what about when you decide to</p> <p>2 co-sponsor a bill, presumably you support bills that you</p> <p>3 co-sponsor?</p> <p>4 A. No, not always.</p> <p>5 Q. Why would you co-sponsor a bill that you --</p> <p>6 A. Well, you may support it in -- it's what I just</p> <p>7 referred -- was trying to explain. If you -- you may</p> <p>8 co-sponsor bills to move the process forward, to show</p> <p>9 support for the process. But I'd have to go -- you</p> <p>10 know, it would have to be specific legislation that I</p> <p>11 would have to go back and review and, you know, it</p> <p>12 depends on how long ago it was. It could be -- we may</p> <p>13 not even have a history of it --</p> <p>14 Q. I --</p> <p>15 A. I was --</p> <p>16 Q. I was talking about a bill from 2021, so it's</p> <p>17 not from that long ago.</p> <p>18 A. Well, 2021, with COVID, there hasn't been --</p> <p>19 this has been a completely broken Congress and it's been</p> <p>20 a disaster, and so most bills haven't even had hearings.</p> <p>21 So, a lot of times these bills are being brought to the</p> <p>22 floor, and so I wouldn't use this year as the shining</p> <p>23 example. It's probably the worst time ever in Congress.</p> <p>24 Part of that is COVID related, but part of it is also</p> <p>25 the politics of the country right now.</p>
<p style="text-align: right;">Page 23</p> <p>1 that you may support some parts of legislation and</p> <p>2 there's other parts that you may not support, but you</p> <p>3 may vote for it anyway.</p> <p>4 So, I guess the answer is, it's the legislative</p> <p>5 process and it depends. Sometimes you're voting for</p> <p>6 things, you may not support the underlying language, but</p> <p>7 you're supporting moving the process forward.</p> <p>8 Q. So, you might not approve of the underlying</p> <p>9 language, but you'd approve of the policies that it</p> <p>10 advances, is that right, if you voted in support of it?</p> <p>11 A. No, the legislative process. So, for -- I mean,</p> <p>12 look, I know you know this, I don't know if you want to</p> <p>13 go through this, but how a bill becomes law, but you</p> <p>14 have to move things through in the process even if you</p> <p>15 -- maybe you fully support it, maybe you don't support</p> <p>16 it at all. You might be voting to move it through the</p> <p>17 process so that you can engage with the Senate, or to</p> <p>18 come up with a final piece of legislation that then</p> <p>19 would be signed into law.</p> <p>20 Because at the end of the day, the legislative</p> <p>21 process is moving things forward and very seldom do</p> <p>22 things actually get both House and Senate approval in a</p> <p>23 compromise and then get signed into law by the</p> <p>24 president. It takes -- it's a long process and it takes</p> <p>25 a lot of time.</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. DONNELLAN: I'm going to suggest that we</p> <p>2 take a five-minute break right now so that I can be</p> <p>3 efficient with your time, and see if I can streamline</p> <p>4 some questions for you. Okay?</p> <p>5 THE WITNESS: Okay.</p> <p>6 VIDEO OPERATOR: We are now going off the</p> <p>7 record. The time is 10:45 a m.</p> <p>8 (Recess taken.)</p> <p>9 VIDEO OPERATOR: We're now back on the record.</p> <p>10 The time is 10:51 a m.</p> <p>11 BY MR. DONNELLAN:</p> <p>12 Q. Congressman, I certainly don't want to ask you,</p> <p>13 you know, questions about bills that you currently don't</p> <p>14 have any recollection of, so why don't we talk about</p> <p>15 some of the issues instead.</p> <p>16 Is it your view that there are significant labor</p> <p>17 problems in agricultural -- in agriculture today that</p> <p>18 require legislative solutions?</p> <p>19 A. There are -- as it relates to immigration, is</p> <p>20 that your question?</p> <p>21 Q. Yes, sir.</p> <p>22 A. Well, there are -- we have an immigration crisis</p> <p>23 right now. We've got -- I've been down to the border</p> <p>24 twice in the last couple months and we've got people</p> <p>25 flowing over the border, many with COVID, claiming</p>

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<p style="text-align: right;">Page 26</p> <p>1 refugee asylum and all sorts of other things.</p> <p>2 So, as it relates to -- I don't differentiate</p> <p>3 agriculture from any other employer in the country. I</p> <p>4 think it's all the same. I mean, we've got, what, ten,</p> <p>5 roughly eight, nine, ten million people that are</p> <p>6 unemployed; we've got ten million job openings, is what</p> <p>7 I think I saw yesterday.</p> <p>8 So, clearly, there's a -- we have a labor crisis</p> <p>9 in this country. I don't know if it's due to</p> <p>10 immigration or not, but it's -- I think it has to do</p> <p>11 probably more with giving -- paying people not to work,</p> <p>12 because we have an unprecedented level of people that</p> <p>13 are claiming unemployment benefits. So...</p> <p>14 Q. Focusing on agriculture specifically for a</p> <p>15 moment, if we could. Would you agree that there's not</p> <p>16 enough workers who are legal United States citizens who</p> <p>17 are interested in working on farms, that this has</p> <p>18 created a labor shortage that's been filled by workers</p> <p>19 from other countries?</p> <p>20 A. Well, as I just said, maybe I'll be clear,</p> <p>21 there's a labor -- there's a labor shortage across the</p> <p>22 entire United States in every sector, so everywhere I've</p> <p>23 been over the last -- over the last six months,</p> <p>24 there's -- there's not one place, not one business I go</p> <p>25 into, not one -- not one employer that hasn't complained</p>	<p style="text-align: right;">Page 28</p> <p>1 largest areas that we hear a lot of complaints are</p> <p>2 people that have skills, technological skills, and</p> <p>3 that's been a real need, too, people that can work in</p> <p>4 the technology sector. So, I wouldn't say that</p> <p>5 agriculture's any different than any other industry.</p> <p>6 They need skilled people that understand technology and</p> <p>7 that's across multiple sectors of the economy.</p> <p>8 Q. Okay, I understand your point, but again,</p> <p>9 focusing on agriculture, if you will, would you agree</p> <p>10 with me that there has been a shortage of labor on farms</p> <p>11 in this country for well over a decade for qualified</p> <p>12 U.S. workers, which has left farmers to employ illegal</p> <p>13 immigrants from other countries?</p> <p>14 A. Oh, that's where you're going. So, you're</p> <p>15 accusing people in agriculture of hiring illegals.</p> <p>16 Q. I'm asking you a question. Can you answer the</p> <p>17 question, please?</p> <p>18 A. What's your question?</p> <p>19 MR. DONNELLAN: Court reporter, can you please</p> <p>20 read back the question.</p> <p>21</p> <p>22 (Whereupon the record was read by the</p> <p>23 reporter as follows:</p> <p>24 "Q. Okay, I understand your point,</p> <p>25 but again, focusing on agriculture, if</p>
<p style="text-align: right;">Page 27</p> <p>1 about not having enough labor. I mean, you can see it</p> <p>2 at every restaurant, hotel. I mean, almost every single</p> <p>3 business, I think that I have seen, is actually hiring</p> <p>4 in the entire United States. I'm sure there's -- I'm</p> <p>5 sure there's some that aren't, but all the ones that</p> <p>6 I've seen.</p> <p>7 So, I'm not sure I would differentiate</p> <p>8 agriculture from the rest of the -- from the rest of the</p> <p>9 economy.</p> <p>10 Q. Okay, I appreciate that. Perhaps maybe to get a</p> <p>11 little bit more focused on agriculture, which is where I</p> <p>12 would like to focus our discussion right now, put aside</p> <p>13 this moment in time as influenced by COVID and the</p> <p>14 immigration crisis and let's think over the last decade</p> <p>15 or longer.</p> <p>16 Would you agree that there has been a labor</p> <p>17 shortage of qualified U.S. workers for farms in this</p> <p>18 country?</p> <p>19 A. Specifically, like I said, there's been a -- I</p> <p>20 don't think it's just COVID related. I think it's been</p> <p>21 amplified. But I don't think you should really</p> <p>22 highlight agriculture over other sectors of the economy.</p> <p>23 I think there's labor shortages across the economy in</p> <p>24 multiple sectors.</p> <p>25 And in fact, you know, probably one of the</p>	<p style="text-align: right;">Page 29</p> <p>1 you will, would you agree with me that</p> <p>2 there has been a shortage of labor on</p> <p>3 farms in this country for well over a</p> <p>4 decade for qualified U.S. workers,</p> <p>5 which has left farmers to employ</p> <p>6 illegal immigrants from other</p> <p>7 countries?"</p> <p>8</p> <p>9 THE WITNESS: Yeah, so the answer is, employing</p> <p>10 people that are illegal is completely inappropriate</p> <p>11 because nobody knows who's legal or illegal in this</p> <p>12 country. So, accusations about agriculture specifically</p> <p>13 hiring people that are illegal, that's a very racist</p> <p>14 statement.</p> <p>15 BY MR. DONNELLAN:</p> <p>16 Q. Can you answer the question, please?</p> <p>17 A. That's my answer.</p> <p>18 Q. It's a yes or no question, Congressman, can you</p> <p>19 answer the question? That's your comment on the</p> <p>20 question. Can you answer my question yes or no, please?</p> <p>21 A. The answer is -- the answer is what I just gave</p> <p>22 you, there is no -- you know, you're accusing people of</p> <p>23 hiring illegals, I know, because you guys have done it</p> <p>24 repeatedly, which is -- which is unfortunate, but nobody</p> <p>25 knows who's illegal or legal in this country, and asking</p>

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<p style="text-align: right;">Page 30</p> <p>1 me a question specifically about agriculture, I don't</p> <p>2 know anyone in agriculture who is employing illegals.</p> <p>3 Q. Well, if there was a way to find out whether</p> <p>4 somebody's here illegally or not, would you expect</p> <p>5 employers to use that?</p> <p>6 A. That would be -- that would be discriminatory</p> <p>7 and illegal.</p> <p>8 Q. What would be discriminatory and illegal, to try</p> <p>9 to verify somebody's legal status?</p> <p>10 A. You can't racially profile people in this</p> <p>11 country based on their -- their color or whether or not</p> <p>12 they speak English or not. That is -- that is illegal</p> <p>13 on both federal law, especially in the state of</p> <p>14 California.</p> <p>15 Q. I said nothing about racially profiling. I</p> <p>16 asked whether or not, if there was a way to verify the</p> <p>17 citizenship of workers, would you expect employers to</p> <p>18 use that?</p> <p>19 A. Employers can't use that. Even if the tool</p> <p>20 existed, they can't use it.</p> <p>21 Q. You're saying that employers cannot use means to</p> <p>22 verify the citizenship of employees?</p> <p>23 A. To target them, absolutely not.</p> <p>24 Q. I'm not talking about targeting them, I'm</p> <p>25 saying --</p>	<p style="text-align: right;">Page 32</p> <p>1 say that I think it's racial profiling, just to say that</p> <p>2 just because people are a different color and don't</p> <p>3 speak English very well, that they're illegal.</p> <p>4 Because the truth is, there are so many people</p> <p>5 in this country now who we don't -- we don't know their</p> <p>6 status. I mean, I've never met an illegal in my life,</p> <p>7 somebody that's come up to me and said they're --</p> <p>8 MR. DONNELLAN: The Congressman has frozen on my</p> <p>9 screen.</p> <p>10 THE REPORTER: Mine, too.</p> <p>11 (Technology discussion.)</p> <p>12 MR. BISS: Let's go off the record. If we can't</p> <p>13 resolve this, we may need to adjourn and reschedule in</p> <p>14 person.</p> <p>15 VIDEO OPERATOR: We are now going off the</p> <p>16 record. The time is 11:02 a.m.</p> <p>17 (Whereupon a discussion was held off</p> <p>18 the record.)</p> <p>19 VIDEO OPERATOR: We are now back on the record.</p> <p>20 The time is 11:04 a.m.</p> <p>21 BY MR. DONNELLAN:</p> <p>22 Q. I would just like to go back to your last</p> <p>23 answer, Representative Nunes, where you were suggesting</p> <p>24 that trying to verify that somebody had work</p> <p>25 authorization would be illegal because it would require</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I --</p> <p>2 (Speaking simultaneously).</p> <p>3 THE WITNESS: Anybody that walks in the door,</p> <p>4 you cannot -- you cannot say, let me see if you're a</p> <p>5 legal citizen or not.</p> <p>6 BY MR. DONNELLAN:</p> <p>7 Q. Why not?</p> <p>8 A. Because it is discriminatory.</p> <p>9 Q. If I walked in the door and my employer asked me</p> <p>10 to verify my citizenship, that would be discriminatory</p> <p>11 against me?</p> <p>12 A. The way that I understand the law -- now, it's</p> <p>13 been a while since I've actually looked at documents or</p> <p>14 taken documents but, you know, I hire people all the</p> <p>15 time, whether it's in my office or in the Congress, and</p> <p>16 we cannot ask them if they're U.S. citizens or not.</p> <p>17 You'd have to accept their documentation as real,</p> <p>18 whatever they provide to you.</p> <p>19 Q. Well, by asking for documentation, aren't you</p> <p>20 asking them about their citizenship or about their legal</p> <p>21 status in the country?</p> <p>22 A. Well, sure, you ask for documents, but those are</p> <p>23 the documents you require, but you cannot ask them if</p> <p>24 they're illegal or not. You're making statements about</p> <p>25 agriculture and illegals and I answered the question to</p>	<p style="text-align: right;">Page 33</p> <p>1 racial profiling. Did I understand you, that that's</p> <p>2 what you were saying?</p> <p>3 A. If you were to use a tool to -- you asked</p> <p>4 originally, I think, from a few questions ago, you asked</p> <p>5 if there were tools available to see if someone's a U.S.</p> <p>6 citizen. That would be illegal. At least it would be</p> <p>7 in the state of California. I don't know about the rest</p> <p>8 of the country.</p> <p>9 Q. And if you -- how about if you used a tool to</p> <p>10 see if somebody had appropriate work authorization in</p> <p>11 this country?</p> <p>12 A. That would be illegal in California, the way I</p> <p>13 understand the law.</p> <p>14 Q. And that would be illegal as applied to anybody?</p> <p>15 A. It's not -- it's any industry, anyone that comes</p> <p>16 in, you cannot use -- you cannot target someone in the</p> <p>17 state of California just because you think that they may</p> <p>18 be legal or illegal. You get fined for that.</p> <p>19 Q. Well, what about if the requirement was, you do</p> <p>20 it to everybody, not whether you think they're legal or</p> <p>21 illegal; is there still a legal problem with that, in</p> <p>22 your view?</p> <p>23 A. I'm only asking [sic] your direct question. I'm</p> <p>24 not going to speculate on -- I'm just telling you what</p> <p>25 the law, as I understand the law is now as it relates in</p>

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<p style="text-align: right;">Page 34</p> <p>1 California. You cannot target people based on racial</p> <p>2 profiling and whether or not you think they're a citizen</p> <p>3 or not a citizen.</p> <p>4 In fact, you don't even have to be a citizen to</p> <p>5 work in the United States. There's a lot of different</p> <p>6 ways that you can be here and -- and work.</p> <p>7 Q. Well, I'm just trying to explore this with you,</p> <p>8 okay. So, it's your position that you cannot make</p> <p>9 any -- put aside targeting, I'm not talking about</p> <p>10 targeting, you're the one who keeps on talking about</p> <p>11 targeting. I'm not talking about targeting at all.</p> <p>12 Are you saying that in your view, that it is not</p> <p>13 lawful in order to make inquiries or use tools to</p> <p>14 determine whether or not somebody is in the country</p> <p>15 legally when they have applied for employment?</p> <p>16 A. In the state of California, that is the way that</p> <p>17 I -- that I read the law. You have to accept their</p> <p>18 documentation as real and you have to -- and then -- and</p> <p>19 you can't -- just because they don't speak English, you</p> <p>20 can't -- you can't say, well, I'm going to go see if</p> <p>21 these people are legal or not. That is highly illegal</p> <p>22 and discriminatory.</p> <p>23 Q. If they do speak English, can you go do it?</p> <p>24 A. No.</p> <p>25 Q. If they're white, can you do it?</p>	<p style="text-align: right;">Page 36</p> <p>1 people provide. We do not --</p> <p>2 Q. I think you may be mistaken about the privilege.</p> <p>3 What's the basis for saying that it's privileged to tell</p> <p>4 me about the training you've received in terms of</p> <p>5 verifying employment?</p> <p>6 A. I mean, well, hypothetically, I don't have to</p> <p>7 answer any questions you ask about my dealings with the</p> <p>8 House of Representatives. I'm willing to because I want</p> <p>9 to be cooperative.</p> <p>10 Q. And that's your understanding of the</p> <p>11 congressional privilege?</p> <p>12 A. Yeah, for sure, and definitely that would relate</p> <p>13 to hiring practices.</p> <p>14 Q. Are you --</p> <p>15 A. And personnel and the information that I would</p> <p>16 get from the House legal counsel on hiring practices.</p> <p>17 Q. Are you familiar with E-Verify?</p> <p>18 A. Conceptually, yes.</p> <p>19 Q. And do you understand that that is a tool that's</p> <p>20 made available to verify the legal status of workers by</p> <p>21 the United States government?</p> <p>22 A. That's not how I understand how it works, but</p> <p>23 that may be your reading of it.</p> <p>24 Q. What's your understanding?</p> <p>25 A. Well, number one, it's a failed program, hardly</p>
<p style="text-align: right;">Page 35</p> <p>1 A. English, white, brown, green, you cannot go and</p> <p>2 challenge somebody's work verification documents that</p> <p>3 they provide you.</p> <p>4 Q. And where did you gain this understanding of the</p> <p>5 law?</p> <p>6 A. Well, we have to -- we have to exercise that in</p> <p>7 my own office. I don't -- I don't do the paperwork, but</p> <p>8 we don't challenge people's documents.</p> <p>9 Q. Where did you gain that understanding of the</p> <p>10 law, Congressman?</p> <p>11 A. I'm talking about the -- I'm talking about the</p> <p>12 procedures that I follow in my office as an employer.</p> <p>13 Q. Okay, I understand your answer, but that's not</p> <p>14 responsive to my question. Where did you gain your</p> <p>15 understanding of the law that you've just expressed to</p> <p>16 me?</p> <p>17 A. Well, that would be -- we go through training in</p> <p>18 the House of Representatives on hiring practices.</p> <p>19 Q. And the training at the House of</p> <p>20 Representatives, they tell you that you cannot take</p> <p>21 steps to verify somebody's --</p> <p>22 A. Well, I'm not going to get into -- into -- those</p> <p>23 would all be privileged conversations, but I'm just</p> <p>24 telling how we enact our procedures in my office. We do</p> <p>25 not discriminate, you know, we accept documentation that</p>	<p style="text-align: right;">Page 37</p> <p>1 anyone in the country uses it. And as I told you, at</p> <p>2 least -- I don't know the rest of the country, I'm not</p> <p>3 sure how the federal laws would apply to E-Verify, I'm</p> <p>4 sure there's a lot of case law but I haven't looked at</p> <p>5 it recently, but I know in the state of California, if</p> <p>6 you use E-Verify to target someone, you get fined.</p> <p>7 So, most people in California don't use it. I</p> <p>8 don't know anyone in California that uses it. Maybe</p> <p>9 there is, but the state legislature has made it almost</p> <p>10 unusable --</p> <p>11 Q. None of my questions have had anything to do</p> <p>12 with targeting, that's a concept that you keep on</p> <p>13 bringing up, but it's not part of any of my questioning.</p> <p>14 Can you tell me what your understanding is of</p> <p>15 E-Verify?</p> <p>16 A. Basically, it is a -- it is a program, it's been</p> <p>17 a test pilot program for, oh, I don't know over a decade</p> <p>18 maybe, and that it's -- as I told you, not very many</p> <p>19 people use it; in California, nobody uses it, that I</p> <p>20 know of. I'm sure maybe there are, but -- because the</p> <p>21 state legislature has made it -- well, they've made</p> <p>22 accusations that it was used for targeting. And so, you</p> <p>23 know, we definitely do not use it here.</p> <p>24 Q. How does it work?</p> <p>25 A. I'm sorry, how does what work?</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. How does E-verify work, to the extent that you 2 know?</p> <p>3 A. That's -- I just told you everything I know. 4 It's been a -- it's been a --</p> <p>5 Q. You told me that it's a failed program and it's 6 not used by many, but you haven't told me anything about 7 how it works. How does it work, so far as you know?</p> <p>8 A. I've told you that it's a program that was -- it 9 was a trial program. It's an optional program. And I'm 10 only telling you that it doesn't work based on my 11 constituents who tell me that it doesn't work because of 12 the discrimination issues surrounding it.</p> <p>13 Q. So, you've told me it's a trial program, it's an 14 optional program, it's a failed program, that nobody 15 uses it, and there's concerns about discrimination, but 16 you haven't told me what it is.</p> <p>17 What is your understanding of what E-Verify is 18 and what it does?</p> <p>19 A. It -- I've never used it, so it would be 20 impossible for me really to get into the details of how 21 you would deploy an E-Verify system, because I've never 22 -- I've never done it. I only know the basics of 23 roughly when it started, and that now it's -- it's -- 24 described by me, I can tell you, described by me from my 25 constituents and employers in my district that have</p>	<p style="text-align: right;">Page 40</p> <p>1 would accompany comprehensive immigration reform. And 2 then I was defining the comprehensive immigration reform 3 before you cut me off, so I guess you don't want to 4 know -- I won't -- 5 (Speaking simultaneously). 6 THE WITNESS: -- position on comprehensive 7 immigration. 8 BY MR. DONNELLAN: 9 Q. Yeah, I'm not asking you for your position on 10 comprehensive immigration reform right now, I'm asking 11 what your understanding is of E-Verify and if -- and 12 correct me if I'm wrong, but your answer is that it is a 13 -- potentially a piece of comprehensive immigration 14 reform; is that right? 15 A. It was a -- it's a test pilot, is what it is. 16 Q. Do you know any -- 17 A. That's failed. That's failed. And, you know, 18 perhaps it could be part of a -- you know, part of -- 19 perhaps it could work better with different systems in 20 place, but you'd have to have comprehensive immigration 21 reform in order to have a program like that to be 22 viable. It's not a viable program in the United States 23 of America today. 24 Q. Have you now told me everything that you know 25 about E-Verify specifically or is there anything more</p>
<p style="text-align: right;">Page 39</p> <p>1 called it a failed program that doesn't work, and it's 2 because of the discriminatory nature of it used to 3 target people based on race and ethnicity. 4 Q. Do you have any understanding of what the 5 purpose of E-Verify is? 6 A. Well, in a general sense, the idea is that if 7 you were to get a comprehensive immigration system in 8 place in the United States of America, which I'm sure 9 you have all this information, or at least your reporter 10 must have had it from whoever gave it to him, but nobody 11 seems to know where he got the story from, but a 12 comprehensive fix for immigration, and this is my 13 definition, not anybody else's, but what I convey to my 14 constituents is that we need border security, including 15 a wall across most of the southern border, we need to 16 have -- then we have to deal with creating systems by 17 which both employers and employees -- 18 Q. Congressman Nunes, with all due respect, I'm 19 going to stop you and ask you again, I'm just -- 20 A. But you didn't allow me to answer -- 21 Q. You're right, because my question was not about 22 comprehensive reform. My question was, do you know what 23 the purpose of E-Verify is? 24 A. And I was answering your question. It's a -- it 25 was a testing -- it's been tested as part of a tool that</p>	<p style="text-align: right;">Page 41</p> <p>1 that you know about that program? 2 A. As of now, that's what I recall. 3 Q. Would it be news to you to learn that E-Verify 4 may be used to verify the legal status of -- of 5 individuals who are applying for work? 6 A. Well, that's what I just told you. And -- 7 Q. You -- 8 A. It cannot be used for that. You would be -- you 9 would be -- if you used it for that -- like I said, I 10 don't know about the rest of the United States, I'm sure 11 there's a lot of states that are similar to California, 12 but you will be fined, and you will be charged, because 13 there are criminal and civil charges for that. 14 Q. So, your position is that E-Verify is unlawful? 15 A. If you use it -- if you use it to target the -- 16 whether or not somebody's a citizen or not, absolutely 17 it is in California. 18 Q. Again, you're -- Representative, you are 19 mischaracterizing why question. I'm not asking about 20 targeting or employing this tool in a discriminatory way 21 at all. I am asking about employers using it in an 22 evenhanded way to cull applicants for jobs. Is it your 23 position that that would be unlawful? 24 A. It's a failed -- it's a failed program that's 25 not working, that will not work unless it's retooled and</p>

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<p style="text-align: right;">Page 42</p> <p>1 fixed and you have a comprehensive solution to</p> <p>2 immigration.</p> <p>3 Q. That's different from whether or not it's lawful</p> <p>4 or not. Is it your position that an evenhanded</p> <p>5 application of E-Verify is unlawful?</p> <p>6 MR. BISS: Are you asking him for a legal</p> <p>7 opinion?</p> <p>8 MR. DONNELLAN: Well, he's already expressed it</p> <p>9 several times that he believes it's unlawful, and I'm</p> <p>10 trying to get some clarity on that, so that's -- that is</p> <p>11 the question. He is a lawmaker. I think that he can</p> <p>12 opine on this.</p> <p>13 MR. BISS: He's not a lawyer.</p> <p>14 MR. DONNELLAN: He's a lawmaker who's expressed</p> <p>15 an opinion on the law, so I'd like to hear his opinion.</p> <p>16 THE WITNESS: Okay, I think you have my opinion.</p> <p>17 BY MR. DONNELLAN:</p> <p>18 Q. Okay.</p> <p>19 A. That it is unlawful to use E-Verify to target</p> <p>20 people to see if they're U.S. citizens or not.</p> <p>21 Q. All right.</p> <p>22 A. I'm not sure what the U.S. citizenship issue has</p> <p>23 to do with anything anyway, because you don't have to be</p> <p>24 a U.S. citizen in this country to lawfully work. You</p> <p>25 have to have documentation.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Lawfully, or in the state of California?</p> <p>2 Q. Lawfully --</p> <p>3 A. You can use it in the state of California, but</p> <p>4 you can't use it to verify citizenship.</p> <p>5 Q. So, what can you use it to do?</p> <p>6 A. I don't know anybody that's using it, so I</p> <p>7 couldn't -- I couldn't tell you.</p> <p>8 Q. Would you be surprised to learn that the United</p> <p>9 States government uses E-Verify?</p> <p>10 A. I'm not going to -- I have no idea where you got</p> <p>11 your information.</p> <p>12 Q. Would it be your view that it would be unlawful</p> <p>13 if the United States government were using E-Verify?</p> <p>14 A. You're just -- you're speculating, trying to put</p> <p>15 the words in my mouth --</p> <p>16 Q. I'm not speculating --</p> <p>17 (Speaking simultaneously)</p> <p>18 THE WITNESS: -- California.</p> <p>19 BY MR. DONNELLAN:</p> <p>20 Q. I'm asking you a question as a United States</p> <p>21 representative, not as -- not about practices in</p> <p>22 California. I'm asking you if it's your view that the</p> <p>23 United States government could not use E-Verify</p> <p>24 lawfully.</p> <p>25 A. I would have to -- I'd have to research the law</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Yeah, and again, that wasn't my question. My</p> <p>2 question was not about citizenship. My question was</p> <p>3 whether or not you could use it in an evenhanded way to</p> <p>4 determine whether or not somebody was in the country</p> <p>5 lawfully when they are seeking employment.</p> <p>6 A. I do not think that's the reason for E-Verify.</p> <p>7 I mean, well, and I know for, at least from the meetings</p> <p>8 that I've been in in California, that that was the</p> <p>9 purpose, that the legislature moved to put in additional</p> <p>10 laws to go with E-Verify because it was being used for</p> <p>11 what would be deemed unlawful purposes in the state of</p> <p>12 California. That's why they put such heavy penalties</p> <p>13 and fines with it as it relates to hiring practices in</p> <p>14 the state of California.</p> <p>15 Q. All right. And it's your position that it would</p> <p>16 be unlawful to use E-Verify?</p> <p>17 A. That's not what I said. I said that it would</p> <p>18 be -- it would be -- because of the discriminatory</p> <p>19 nature of the technology, it's really the test pilot</p> <p>20 technology, if you use it to see if people are U.S.</p> <p>21 citizens or not, that is -- that is, as I understand the</p> <p>22 law, illegal in California, and you can be fined,</p> <p>23 subject to fine.</p> <p>24 Q. So, how is it that E-Verify can be used</p> <p>25 lawfully?</p>	<p style="text-align: right;">Page 45</p> <p>1 and review it before I could answer a question like</p> <p>2 that.</p> <p>3 Q. Would it surprise you to learn that the United</p> <p>4 States government uses it?</p> <p>5 A. That's your opinion. I'm not going to go off of</p> <p>6 whatever -- whatever your opinion is, you're stating as</p> <p>7 fact, but --</p> <p>8 Q. I'm not stating any opinion --</p> <p>9 A. I'm not --</p> <p>10 (Speaking simultaneously).</p> <p>11 BY MR. DONNELLAN:</p> <p>12 Q. I'm not stating any opinion, Your Honor, I'm</p> <p>13 asking you a question.</p> <p>14 A. And I answered it. I don't know where you got</p> <p>15 your information from.</p> <p>16 Q. Okay.</p> <p>17 A. And if you want me to go back, if I'm going to,</p> <p>18 you know, go back and look at E-Verify and how it's</p> <p>19 used, I just told you everything that I know about it.</p> <p>20 I know it's not used here in California.</p> <p>21 Q. Do you know if --</p> <p>22 A. By very many people.</p> <p>23 Q. Does the U.S. Congress use E-Verify?</p> <p>24 A. Not that I know of, but no idea.</p> <p>25 Q. Would it be unlawful if it did?</p>

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<p style="text-align: right;">Page 46</p> <p>1 A. If it was used to target in the state of 2 California, it would be. 3 Q. If it was used not to target but to verify legal 4 status of all applicants for employment in the United 5 States Congress, would it be illegal? 6 A. Not if it's being used, it wouldn't be. 7 Q. Okay. 8 A. But if it's used to target people based on their 9 race and ethnicity, or if you thought somebody was 10 illegal, it would definitely be illegal in California. 11 I'm not sure that I could be fined, but that would be 12 the question for the lawyers. 13 Q. Have you ever sponsored a bill that mandated the 14 use of E-Verify? 15 A. I have no idea. 16 Q. Is that a bill that you would -- that you 17 would -- that you would sponsor? 18 A. You cut me off when I was going to answer the 19 question about comprehensive immigration reform, so you 20 lost your opportunity. You didn't want the answer. So, 21 I tried to answer the question, you cut me off. 22 Q. Well, I'm asking you now, would you sponsor a 23 bill that requires the use of E-Verify? 24 A. You already had your opportunity to get a 25 comprehensive immigration reform opinion out of me, or</p>	<p style="text-align: right;">Page 48</p> <p>1 And you were not answering my question before 2 and I wanted to make sure that you were focused on the 3 specific question, and now I'm asking you to focus on 4 the specific question I'm asking again. 5 A. Okay, so since you apologized to me for cutting 6 me off, I'll tell you my position, it's widely known, on 7 immigration reform. 8 There needs to be a comprehensive solution to 9 immigration reform. So -- and that involves border 10 security, the wall, having a permit system that works 11 for all employees and employers, so that -- so that 12 there's a process that everybody can follow and 13 everybody knows how it works, where -- where you can 14 ensure that employers and employees are matched up. 15 And that's the goal of immigration -- of 16 comprehensive immigration reform, that people would be 17 in the country, either as U.S. citizens or residents or 18 under some type of permit system, in order to ensure 19 that everybody in this country who was working is doing 20 so in an appropriate manner. 21 MR. BISS: Jon, when you get to a convenient 22 stopping point, I need to take a five-minute break. 23 MR. DONNELLAN: All right, that's fine, let me 24 just follow up on this so we don't lose the thread. 25 Q. Thank you, Congressman, for your position for --</p>
<p style="text-align: right;">Page 47</p> <p>1 my positions, and you cut me off. 2 Q. Your Honor, that was not the -- this question 3 here doesn't call for a comprehensive explanation of 4 immigration reform, it's a yes or no question. And 5 you're here under subpoena and I would request that you 6 answer it so that we don't have to ask a court for an 7 order that you answer it. 8 A. Well, you can go ahead and ask the court all you 9 want, but you cut me off. I was giving you the answer 10 and you cut me off. It would have -- my answer would 11 have answered your question. 12 Q. So, you're refusing now to answer my question, 13 which is a different question -- 14 A. I didn't refuse. You cut me off earlier. 15 Q. No, Your Honor, I asked you a different 16 question, which you also were not answering, which is 17 what the purpose of E-Verify was. And now I'm asking -- 18 (Speaking simultaneously). 19 BY MR. DONNELLAN: 20 Q. Now, I'm asking you a different question, which 21 is whether or not you would sponsor a bill that required 22 it. So, I -- I apologize for cutting you off earlier, 23 but we are under a time limitation in the time that we 24 have for depositions and I would like answers to my 25 questions.</p>	<p style="text-align: right;">Page 49</p> <p>1 on a comprehensive solution to immigration reform. 2 Do you believe that E-Verify is an appropriate 3 part of a comprehensive solution to immigration? 4 A. E-Verify, I do not believe, will work in its 5 present testing form. So, you'd have to do a lot of 6 research, you'd have to have a lot of -- of work done as 7 it relates to border security, everything else, before 8 you could use E-Verify. 9 So, in its current form, it's not going to work. 10 Part of some type of comprehensive solution, it may be a 11 piece of a very large and complex puzzle that can't be 12 just toned down to a yes or no question. 13 Q. Okay, if it was, assuming that it was part of a 14 comprehensive solution and that it was mandatory so that 15 it could not be used in a discriminatory or targeted 16 way, would that be a solution that you would support? 17 A. Look, I'd have to -- that's -- you're asking me 18 to speculate. I mean, legislation is complex. You have 19 to -- it takes a long time to draft it, especially 20 immigration legislation. You know, it's been a while 21 since I drafted, myself, immigration legislation. 22 But, you know, you'd have to get -- and then 23 you'd have to pass something out of the pertinent 24 committees, relevant committees and the House. You'd 25 have to pass it out to the Senate. You'd have to then</p>

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<p style="text-align: right;">Page 50</p> <p>1 negotiate it all out and ensure that you come up with a 2 product that actually will work. And that's been the -- 3 that's been elusive since, I think 1986, which was 4 before I was in Congress. 5 Q. The reason I'm asking, Your Honor, is because 6 the two bills that I was asking you about earlier, the 7 bipartisan Farm Workforce Modernization Act of 2019 and 8 2021, has a provision in there that requires the use of 9 E-Verify as mandatory for employers. 10 So -- and you did, as we saw, sponsor at least 11 the earlier version of that bill, presumably based on 12 that it is something that you would support if it's in 13 the context of a comprehensive solution; is that 14 correct? 15 A. No, I don't think you can -- a comprehensive 16 solution -- I have not seen a comprehensive solution 17 that I've voted on in a long, long time. I think it 18 would have to be the mid 2000s, when there was an 19 attempt made, but a lot has changed since then. 20 So, like I said, I've co-sponsored, God knows 21 how many bills, voted on a lot of different immigration 22 issues over the years, but until you see the final 23 product, you cannot make any -- you can't make any rash 24 decisions or pronouncements as it relates to anything on 25 immigration, because it's very -- it's -- as -- it's</p>	<p style="text-align: right;">Page 52</p> <p>1 my district. 2 And I'd also say, in my travels across the 3 country, you hear exactly the same complaints across 4 all -- all sectors. 5 Q. And that is that there's a labor shortage in 6 every sector of every industry? 7 A. Just about. I don't know of one that doesn't 8 have a labor shortage. 9 Q. Focusing on agriculture specifically, are 10 there -- are there different solutions that you might 11 propose for the agriculture industry than you would for 12 other industries which rely on different workers with 13 different types of skills? 14 A. Sounds like a hypothetical question, but the -- 15 there's a lot of different ways to craft legislation, 16 but I think it goes back to how I answered it before, 17 before the break, and that is that you can probably 18 design the legislation and it would cover all the 19 sectors, you could differentiate, it would just -- it 20 would just depend. 21 There's a hundred -- there's 435 members of the 22 House and a hundred in the Senate, and probably every 23 single member has a different opinion on how to craft 24 legislation to solve the larger immigration crisis that 25 we have.</p>
<p style="text-align: right;">Page 51</p> <p>1 very, very complex and it impacts a lot of people in 2 different ways, including when you match that up with 3 different state laws. 4 MR. DONNELLAN: All right, I think your counsel 5 asked for a break, so why don't we take a break now. 6 VIDEO OPERATOR: We're now going off the record. 7 The time is 11:31 a.m. 8 (Recess taken.) 9 VIDEO OPERATOR: We are now back on the record. 10 The time is 11:39 a.m. 11 BY MR. DONNELLAN: 12 Q. Congressman Nunes, when you speak with your 13 constituents, do you ever speak with the farmers in your 14 district about their labor problems? 15 A. I speak with all -- all constituents, including 16 farmers. 17 Q. Focusing just on those constituents in your 18 district who are farmers, what are the problems that 19 they've raised to you in terms of the labor situation in 20 agriculture? 21 A. I think I've already answered that question, 22 that it wouldn't be any different than labor all across 23 the -- in every sector. I wouldn't say that my 24 conversations with farmers are different than 25 conversations that I have with nearly every industry in</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. And in your view, is the labor shortage 2 connected to the immigration crisis? 3 A. Well, they're all -- they're all intertwined. 4 Q. And have you crafted or introduced any bills 5 with respect to the labor shortage in agriculture 6 specifically? 7 A. I don't know if -- I know I worked on 8 legislation specifically, but it would have been over -- 9 probably over a decade ago. 10 Q. Can you tell me which laws that you remember? 11 A. Well, I -- 12 Q. I'm sorry -- 13 A. That's the problem. 14 Q. I'm sorry, I will withdraw that question and 15 I'll ask you a different one. 16 Can you recall what bills that you have worked 17 on to address the labor shortage in agriculture? 18 A. No. I just know that I can recall, about a 19 decade ago, being -- my office was involved in helping 20 to draft some legislation. I'm talking about actual 21 drafting legislation. And like I said, I'm not sure 22 that that ever got introduced or not. 23 Q. Aside from that instance about a decade ago, 24 have you or your office been involved in drafting any 25 other legislation that addresses the labor shortage in</p>

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<p style="text-align: right;">Page 54</p> <p>1 agriculture?</p> <p>2 A. Not that -- in terms of drafting, not that I'm</p> <p>3 aware of.</p> <p>4 Q. In your time in Congress, have -- do you recall</p> <p>5 whether or not you have been a sponsor of any</p> <p>6 legislation which addresses the labor shortage in</p> <p>7 agriculture?</p> <p>8 A. I don't know specifically on co-sponsors. I</p> <p>9 don't believe that any of the legislation that I</p> <p>10 drafted, like I said, this was probably a decade ago, I</p> <p>11 don't think that ever made it into actual legislation</p> <p>12 that was introduced. So, largely the way this would</p> <p>13 work, is that you would go to the committees of</p> <p>14 jurisdiction, and in this case on the immigration issue</p> <p>15 it's both judiciary and Homeland Security, of which I</p> <p>16 don't sit on those committees, so a lot of the work that</p> <p>17 we would do would be based on a product that comes out</p> <p>18 of those committees, or is put there.</p> <p>19 And then, like any other member of Congress,</p> <p>20 constituents contact you and -- in support or oppose of</p> <p>21 it. Then, of course, we try -- you know, specifically,</p> <p>22 I know there were some funding issues for the border</p> <p>23 wall that were in the appropriations process, I believe,</p> <p>24 but that's -- that's been a couple years ago.</p> <p>25 And like I told you, I opened up with, I've been</p>	<p style="text-align: right;">Page 56</p> <p>1 drafted language about a decade ago, but that's all I</p> <p>2 remember. And I don't remember if it was -- it</p> <p>3 became -- if it was put into an actual bill or not.</p> <p>4 Q. Okay --</p> <p>5 A. There's a difference between -- there's a</p> <p>6 difference between a draft -- a draft is just a draft.</p> <p>7 But I don't -- but I don't have any recollection of what</p> <p>8 the specifics were on it, or even the issues surrounding</p> <p>9 it. I think it was part of some type of working group</p> <p>10 of some kind, but, you know, we have lots of those.</p> <p>11 Q. Do you recall anything at all about the</p> <p>12 substance of the language that your office drafted?</p> <p>13 A. Just -- well, it's not -- once again, I want to</p> <p>14 make sure you're not putting words in my mouth --</p> <p>15 Q. I'm certainly not, I'm just asking questions.</p> <p>16 The words are all yours.</p> <p>17 A. It's not language that my office drafted and put</p> <p>18 into a piece of legislation. We would have been</p> <p>19 reviewing, as part of a working group, we would have</p> <p>20 been reviewing legislation, legislative ideas. I don't</p> <p>21 remember if we would have went and got anything actually</p> <p>22 drafted into legislative text or not. It was</p> <p>23 conceptual.</p> <p>24 But I would say that it would be consistent with</p> <p>25 my position that I've had for -- for nearly two decades,</p>
<p style="text-align: right;">Page 55</p> <p>1 down to the border twice this year in the last few</p> <p>2 months, looking at the wall where it needs to be</p> <p>3 completed, looking at the immigration center, in both</p> <p>4 California and Texas.</p> <p>5 Q. Can you tell me everything that you can recall</p> <p>6 about the draft legislation that your office prepared</p> <p>7 approximately a decade ago that was directed at the</p> <p>8 labor shortage in agriculture?</p> <p>9 A. Well, I'm not sure that it was directed at a</p> <p>10 labor shortage. I think it was part of a larger, as I</p> <p>11 recall, it was part of some larger group that -- that I</p> <p>12 would have been just participating in, in a few</p> <p>13 meetings. But like I said, I normally wouldn't be in</p> <p>14 the process of drafting because I don't sit on those</p> <p>15 relevant committees.</p> <p>16 I mean, it doesn't prevent you from, you can</p> <p>17 draft legislation and introduce it, but I'm not -- I</p> <p>18 don't remember, like I said, whether or not language got</p> <p>19 introduced or not.</p> <p>20 Q. Okay, maybe I misheard you earlier. I thought</p> <p>21 you said earlier that your office had drafted some</p> <p>22 language and -- are you now saying that your office</p> <p>23 didn't draft some language?</p> <p>24 A. No, I told you, just to be precise here, that I</p> <p>25 remember drafting language or working -- or looking at</p>	<p style="text-align: right;">Page 57</p> <p>1 which is what I already told you before on comprehensive</p> <p>2 immigration solution.</p> <p>3 Q. Okay. All right, and do you recall, I've --</p> <p>4 just to be fair, you know, I've asked you if you recall</p> <p>5 any specific bills that you were involved in drafting</p> <p>6 and any bills you've sponsored.</p> <p>7 Are there any bills that you can recall as you</p> <p>8 sit here today that you co-sponsored that relate to</p> <p>9 labor in the agriculture industry?</p> <p>10 A. No.</p> <p>11 Q. Are there any bills that you voted for or</p> <p>12 against that you can recall as you sit here today</p> <p>13 related to labor in the agriculture industry?</p> <p>14 A. Not that I can recall and speak factually on</p> <p>15 without doing the research.</p> <p>16 Q. Okay, is there any other work that you have done</p> <p>17 while a member in Congress with respect to labor in the</p> <p>18 agricultural industry that you can recall as you sit</p> <p>19 here today?</p> <p>20 A. Not from what I've told you, just it's -- like I</p> <p>21 said, I think there was a working group at one point,</p> <p>22 which was, I think, informal. And there's pieces of</p> <p>23 legislation that get introduced all the time and, you</p> <p>24 know, people lobby you on those pieces of legislation,</p> <p>25 pieces of -- you know, language comes to the floor in</p>

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<p style="text-align: right;">Page 58</p> <p>1 various manners.</p> <p>2 And like I said, it's been 1986 since we've had</p> <p>3 any comprehensive reform, and that's what I support.</p> <p>4 Q. But you don't recall specifics of any of those</p> <p>5 bills or any of that work as you sit here today?</p> <p>6 A. No.</p> <p>7 Q. If I can just go back for a moment to your</p> <p>8 articulation of what you think would be a comprehensive</p> <p>9 solution for labor and immigration. You spoke very</p> <p>10 specifically about border security and the need for a</p> <p>11 wall.</p> <p>12 I also heard you say that there would be a</p> <p>13 process that everybody would follow to ensure that</p> <p>14 employers and employees are matched up. Is that -- is</p> <p>15 that -- am I fairly summarizing that? I'm reading off</p> <p>16 of my notes.</p> <p>17 A. Yeah, I think that's -- generically speaking,</p> <p>18 that's a -- that's what needs to be done. But like I</p> <p>19 said, there's a lot of different ways to accomplish</p> <p>20 that, which have remained elusive to the United States</p> <p>21 Congress and the White House that predates me.</p> <p>22 Q. And I believe you also said that there would be</p> <p>23 some part of the solution that would ensure that</p> <p>24 everybody is in the country appropriately.</p> <p>25 A. That's right. But you can't take one step. It</p>	<p style="text-align: right;">Page 60</p> <p>1 have to, but like I said, I'm not sure where you're</p> <p>2 going with the questions, but you can keep asking them.</p> <p>3 Q. Do you think the labor system in this country is</p> <p>4 broken for agricultural labor?</p> <p>5 A. I've already -- I can answer it again for you,</p> <p>6 for the, I guess this would be the fourth or fifth time,</p> <p>7 but I don't view any industry under a microscope</p> <p>8 differently than any other industry. There are labor</p> <p>9 shortages all across the country, and have been</p> <p>10 specifically with a skilled workforce.</p> <p>11 Q. I understand that, Congressman, but you do</p> <p>12 represent a district with a lot of farmers and a lot of</p> <p>13 agriculture, right?</p> <p>14 A. Yes, I do.</p> <p>15 Q. And I would expect that you take a specific</p> <p>16 interest in their interests, don't you?</p> <p>17 A. I take an interest in all my constituents'</p> <p>18 interests, whether I agree or disagree. But you have to</p> <p>19 listen to them and you try to get a response out to them</p> <p>20 and answer their questions and then you try to reflect</p> <p>21 their views in the U.S. Congress.</p> <p>22 Q. Would you agree that there's not a one size fits</p> <p>23 all solution to labor shortages for all industries, but</p> <p>24 should be a solution that focuses on the problems of</p> <p>25 different industries?</p>
<p style="text-align: right;">Page 59</p> <p>1 has to be comprehensive. If not, you end up with what</p> <p>2 we have -- what we have now, which is -- which is, you</p> <p>3 know, completely chaotic.</p> <p>4 Q. And within that framework, would you -- do you</p> <p>5 support an opportunity for agricultural workers who may</p> <p>6 be here illegally to earn citizenship or to earn legal</p> <p>7 status, I should -- would be a better phrasing.</p> <p>8 A. Yeah, I mean, the term illegally is one that</p> <p>9 people throw around and I don't think people really have</p> <p>10 a clue who's in this country legally or not, including</p> <p>11 our own government.</p> <p>12 Q. Do you believe that part of a comprehensive</p> <p>13 solution, though, would be to provide a pathway for</p> <p>14 those who may not have legal authority to be in the</p> <p>15 country to gain that?</p> <p>16 A. Just depends on what you come up with. I mean,</p> <p>17 a lot of it's based on what you can get past.</p> <p>18 Q. Okay, so it sounds as though you're open to that</p> <p>19 as part of a comprehensive solution. Is that fair to</p> <p>20 say?</p> <p>21 A. I am open to whatever can get done, which we're</p> <p>22 on no track to get anything done on it right now. Right</p> <p>23 now we have total chaos and complete catastrophe. So,</p> <p>24 you know, you're asking me hypotheticals, which I'm</p> <p>25 engaging in these, which I probably don't need to, or</p>	<p style="text-align: right;">Page 61</p> <p>1 A. No, I don't think I can make those blanket</p> <p>2 statements. I mean, a lot of people have different</p> <p>3 ideas. I mean, there's so many concepts out there that</p> <p>4 you can't just look through -- like I said, you can't</p> <p>5 look at it through a microscope.</p> <p>6 I mean, basically, it's around skilled labor,</p> <p>7 and then what's the definition of skilled labor. But</p> <p>8 that's what I would -- you know, in terms of a</p> <p>9 comprehensive fix, I would really support. I'd like to</p> <p>10 see some type of program where we have people -- where</p> <p>11 we need skills that we don't have in this country, that</p> <p>12 we could have an efficient, fair way to, number one, be</p> <p>13 able to meet that -- that need, whether it's through</p> <p>14 bringing in guest workers or training our citizens in</p> <p>15 those skill sets.</p> <p>16 Q. Would you favor legislation that addresses only</p> <p>17 the labor problems in agriculture if it doesn't address</p> <p>18 other industries?</p> <p>19 A. No. I favor -- I only favor a comprehensive</p> <p>20 solution with security first.</p> <p>21 Q. Are you familiar with the lawsuit that this</p> <p>22 deposition relates to, Congressman?</p> <p>23 A. You're talking about my family suing Hearst</p> <p>24 company?</p> <p>25 Q. That's right.</p>

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<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. And that was -- that relates to the -- to an</p> <p>3 article in Esquire magazine; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. When did you first read that article?</p> <p>6 A. Probably the night that it came out.</p> <p>7 Q. And what was your reaction?</p> <p>8 A. I'm pretty sure you know my reaction because I</p> <p>9 filed it -- I filed a lawsuit against you.</p> <p>10 Q. Well, you --</p> <p>11 A. So, everything I have to say is in that -- is in</p> <p>12 that lawsuit. I can tell you more if you'd like.</p> <p>13 Q. Well, you -- sure, yeah, please tell me more.</p> <p>14 A. I think that you should be ashamed of yourself</p> <p>15 and your company. And that what you continue to do to</p> <p>16 my family, and not just -- and all of my relatives is</p> <p>17 despicable.</p> <p>18 The fact that, you know, I spent the first, what</p> <p>19 are we on now, we're two hours, roughly a little short</p> <p>20 of two hours, you know, talking about agriculture</p> <p>21 workers, I find quite -- quite hypocritical. Being that</p> <p>22 you seem to know so much about my area, you probably</p> <p>23 should know, in California, the Hearst company is one of</p> <p>24 the largest landholders in my area of central</p> <p>25 California, they're in agriculture, and the accusations</p>	<p style="text-align: right;">Page 64</p> <p>1 threats that come in that, many of which relate directly</p> <p>2 to that article, including having to have the sheriff</p> <p>3 protect me and my family and my relatives that live</p> <p>4 nearby me. That's almost on a weekly basis. And then,</p> <p>5 of course, my family that's in Iowa, having to work with</p> <p>6 the sheriff there for protection.</p> <p>7 So, yeah, it's a problem, and I think</p> <p>8 hypocritical, like I said, that -- you know, you could</p> <p>9 have just sent Lizza out to -- why didn't you send him</p> <p>10 out to the Hearst winery if you're so interested in ag</p> <p>11 workers? You didn't need to go out to Iowa, you could</p> <p>12 have went to your own company, your own family. But you</p> <p>13 didn't bother doing that.</p> <p>14 So, yeah, I have a problem with it. You ought</p> <p>15 to take the damn story down, and you won't do it. And</p> <p>16 that's all I ever asked you to do.</p> <p>17 Q. Tell me about the threats that you've received</p> <p>18 related to the article.</p> <p>19 A. Well, I'm not going to get into specific</p> <p>20 threats, but I can just tell you that there's -- we get</p> <p>21 threats almost every single day.</p> <p>22 So, you know, recently, you know, there was a</p> <p>23 threat that was very specific in the last, I can't</p> <p>24 remember, in the last 30 days or so, with somebody</p> <p>25 saying that they knew where my family lived. So, yeah,</p>
<p style="text-align: right;">Page 63</p> <p>1 that -- or the implication of agriculture specifically,</p> <p>2 citing it now, is somehow there's illegals there,</p> <p>3 implicates your own company and your winery. I'm not</p> <p>4 sure what is the difference between Hearst Corporation</p> <p>5 and -- and the family, what family holdings they have,</p> <p>6 but, you know, I know I'm familiar with several of the</p> <p>7 Hearst operations that are not far from here that are in</p> <p>8 the same business that my family and a lot of the people</p> <p>9 here in the same part of central California are in.</p> <p>10 So, you can imagine, when Hearst produces --</p> <p>11 number one, sends somebody out under the pretenses of</p> <p>12 doing an article on illegal immigration in the dairy</p> <p>13 industry, and they just happen to show up in northwest</p> <p>14 Iowa a month before the election, I think it's quite</p> <p>15 preposterous, and I think a jury would find that, too.</p> <p>16 Q. You said before that the company should be</p> <p>17 ashamed of what it continues to do to your family. What</p> <p>18 is it that -- what are you talking about? What is it</p> <p>19 that you believe the company is continuing to do to your</p> <p>20 family?</p> <p>21 A. If you go up onto a website, if you go to your</p> <p>22 website right now, you have a fake news story that's</p> <p>23 defamatory and slanderous that targeted my family, my</p> <p>24 relatives, many of my relatives and me, and it's still</p> <p>25 up there. And every single day I have to deal with</p>	<p style="text-align: right;">Page 65</p> <p>1 that's a problem. Actually, I think specifically it</p> <p>2 said my dad. So, the threats are real, the threats are</p> <p>3 active, and they don't stop.</p> <p>4 The other one that I'm sure I think you're</p> <p>5 familiar with, or you should be, is, you know, we had</p> <p>6 people claiming to be Antifa that showed up at my</p> <p>7 family's farm, which I'm not sure if you've been out</p> <p>8 there or not, to that area, but it's a very rural part,</p> <p>9 very rural part of the United States of America, and you</p> <p>10 had activists that came down from, I believe Minnesota,</p> <p>11 that represented to be part of Antifa that came onto the</p> <p>12 farm.</p> <p>13 Later we learned that one of those activists was</p> <p>14 -- or terrorists, maybe you could say, criminal, was</p> <p>15 from my area. So, obviously it's a threat not only to</p> <p>16 me, but then the threat moves, and ends up moving from</p> <p>17 California, in a matter of just a few weeks, to Iowa in</p> <p>18 order to trespass on their farm.</p> <p>19 So, it's -- yeah, it's a big problem. So, you</p> <p>20 guys -- it's actually embarrassing for you and your</p> <p>21 company, and the Hearst family, especially being the</p> <p>22 size of the accusations of the article. He could have</p> <p>23 wrote the whole article about the Hearst family, maybe</p> <p>24 you should have went and interviewed their gardeners</p> <p>25 maybe, I don't know.</p>

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<p style="text-align: right;">Page 66</p> <p>1 But instead you send -- you send a guy, maybe</p> <p>2 it's the people that work at their winery, maybe</p> <p>3 anybody -- maybe you do like Lizza did, racial</p> <p>4 profiling, sneaking around, sneaking around in a rural</p> <p>5 area targeting -- racial profiling and targeting</p> <p>6 Hispanics, anybody who doesn't speak English, including</p> <p>7 young Guatemalan boys who claim they're legal. It's</p> <p>8 pretty sick stuff.</p> <p>9 Q. When you reference threats, are these all</p> <p>10 threats to your father and brother and your family in</p> <p>11 Iowa, or are you talking about threats to yourself and</p> <p>12 your immediate family, your -- I don't know if you</p> <p>13 have -- if you're married or have children. Who are the</p> <p>14 threats to that you're talking about?</p> <p>15 A. They're threats to my entire family, whether</p> <p>16 it's -- and anybody that's related to me.</p> <p>17 Q. And they come in -- and how do you --</p> <p>18 A. And not all the threats are the same, but some</p> <p>19 are specific to that story. I mean, look, if you want,</p> <p>20 I could probably -- if you got onto Twitter right now,</p> <p>21 or Facebook, it wouldn't take you long to pull up people</p> <p>22 that are talking about your story.</p> <p>23 Q. Where do you receive these threats?</p> <p>24 A. They can come in the form of trespassing, people</p> <p>25 showing up at farms. They can show up in terms of</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Look, there's threats that are ongoing, you</p> <p>2 know, virtually daily. Some are -- some are better than</p> <p>3 -- some are more threatening than others, but they're</p> <p>4 very, very damaging.</p> <p>5 Q. I realize it may be difficult or uncomfortable</p> <p>6 to talk about, Congressman, but it is relevant to the</p> <p>7 case. You have been listed as a witness for major areas</p> <p>8 of your family's case, and so it is relevant. If you</p> <p>9 could please recount for me the threats that you can</p> <p>10 recall, I'd appreciate it.</p> <p>11 A. I'm going to get into -- I've told you the</p> <p>12 threats that were most recent and those are the ones</p> <p>13 that I recall the best. The other ones are -- you know,</p> <p>14 it's been going back a month or two or three months,</p> <p>15 it's hard for me to recall all the specifics about it,</p> <p>16 but, you know, what I'm telling you is, is that they are</p> <p>17 constant and they are active and they are a major</p> <p>18 problem that you caused.</p> <p>19 Q. And if we could just go back to the most recent</p> <p>20 one because that's the one you mentioned first and seem</p> <p>21 to have the best recollection of, what was it in the</p> <p>22 threat that leads you to believe that it was related to</p> <p>23 the Esquire article from three years ago?</p> <p>24 A. Because they said they knew where my family farm</p> <p>25 was. I mean, that's -- I mean, look, you only have to</p>
<p style="text-align: right;">Page 67</p> <p>1 e-mails, phone calls.</p> <p>2 Q. Not in terms of how they can come up, but tell</p> <p>3 me specifically about the threats that you have received</p> <p>4 related to the article, please.</p> <p>5 A. Well, like I told you, the most recent one was</p> <p>6 the one where it was said that the guy was threatening</p> <p>7 to kill me and my father.</p> <p>8 Q. And did that threat come in by telephone or</p> <p>9 e-mail, or how did that come in?</p> <p>10 A. I believe it was telephone. I think that one</p> <p>11 was telephone. And then I know there was a more recent</p> <p>12 one which was both telephone and e-mail. I can't</p> <p>13 remember, though, if that had to do with it -- that one</p> <p>14 mentioned my family or not.</p> <p>15 Q. Did you report it to the authorities?</p> <p>16 A. Yes, we report all of them to the authorities.</p> <p>17 Q. Do any of those who make threats leave names or</p> <p>18 identifying information, have there been any arrests</p> <p>19 that have been related to any of these threats?</p> <p>20 A. I'm not going to get into specific security</p> <p>21 issues surrounding my security. It's a matter that we</p> <p>22 deal with FBI and the Capital Hill Police, and usually</p> <p>23 local sheriff and police department.</p> <p>24 Q. Can you tell me any other threats that you can</p> <p>25 recall aside from the one you just identified?</p>	<p style="text-align: right;">Page 69</p> <p>1 get on -- I know you don't want to do this, but, I mean</p> <p>2 you probably have done it, but you can just go and read</p> <p>3 the quotes and comments that are under your own story</p> <p>4 that you refuse to take down. You want to know the</p> <p>5 threats? Go look at that.</p> <p>6 Or you can go to Twitter. You know, the fact</p> <p>7 that people are advertising that I've got relatives that</p> <p>8 have farms somewhere is frightening. I mean, that does</p> <p>9 not happen to most public officials. But because of</p> <p>10 what you guys decided to do, and because you wanted to</p> <p>11 get me and you hired, you know, some guy that shouldn't</p> <p>12 have even probably had a job at the time, but you hired</p> <p>13 him, and then you hired him to go target my family, and</p> <p>14 yet you can't even tell me who fed the story. Who fed</p> <p>15 the story to Lizza? Who fed the story to Hearst?</p> <p>16 So (speaking simultaneously) --</p> <p>17 Q. So --</p> <p>18 A. -- should have said, wow, maybe we should go</p> <p>19 target the Hearst winery and the Hearst ranches.</p> <p>20 Q. So, the fact that the person who made the threat</p> <p>21 knew where your parents' farm is leads you to believe</p> <p>22 that it's related to the Esquire article?</p> <p>23 A. Every single day you have hundreds of thousands</p> <p>24 of people, most likely, that are reading nonsense about</p> <p>25 how I have some secret farm that's in Iowa. That's</p>

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<p style="text-align: right;">Page 70</p> <p>1 every single day. Every time that that's out there it</p> <p>2 results in lunatics, like the ones that I described to</p> <p>3 you, because it was a concern, because you had people</p> <p>4 going from California that were trespassing on my</p> <p>5 family's farm. So -- claiming to be part of Antifa.</p> <p>6 So -- and these are the ones that we know about,</p> <p>7 but the longer that that's out there and the American</p> <p>8 public thinks that I had some type of secret farm, it's</p> <p>9 going to result in people being spun out, especially</p> <p>10 with the politics of today, and targeting my family.</p> <p>11 And then let's not forget my family that gets</p> <p>12 targeted that lives by me here. They have -- they</p> <p>13 constantly get targeted too. And, in fact, if you want</p> <p>14 a specific, you coordinated, Lizza coordinated with CNN,</p> <p>15 who was the employer at the time when this story came</p> <p>16 out, and had CNN reporters go out to my 98-year-old</p> <p>17 grandmother's home. And they also went out to Iowa.</p> <p>18 Now, why would you do that if it wasn't because</p> <p>19 you were trying to get at me, and therefore get at them?</p> <p>20 You're targeting, you're sending people out. My</p> <p>21 grandmother never ran for office, my family never ran</p> <p>22 for office, they're not public officials, but your</p> <p>23 reporter decided -- who has a checkered past, I will</p> <p>24 say, decided to go do that.</p> <p>25 And like I said, you're so -- you seem so</p>	<p style="text-align: right;">Page 72</p> <p>1</p> <p>2 (Whereupon the record was read by the</p> <p>3 reporter as follows:</p> <p>4 "Q. And if we could just go back</p> <p>5 to the most recent one, because that's</p> <p>6 the one you mentioned first and seem to</p> <p>7 have the best recollection of, what was</p> <p>8 it in the threat that leads you to</p> <p>9 believe that it was related to the</p> <p>10 Esquire article from three years ago?")</p> <p>11</p> <p>12 THE WITNESS: Pretty sure I answered the</p> <p>13 question. When you have people saying that they know</p> <p>14 where my family's farm is, and they're on the internet</p> <p>15 all day long and you can see -- and these people, you're</p> <p>16 poisoning the minds of the American people with this</p> <p>17 nonsense, that -- I don't know what more evidence you</p> <p>18 need, than just go out and look on social media right</p> <p>19 now. It's all over the place. Every day, practically,</p> <p>20 if not multiple times a day, I'm getting accused of</p> <p>21 having some big grand secret in Iowa. Every day that</p> <p>22 happens it makes my family a target.</p> <p>23 As we have found out with the most recent call,</p> <p>24 where they specifically said where my family lives, and</p> <p>25 it caused us to have to get the sheriff involved in</p>
<p style="text-align: right;">Page 71</p> <p>1 interested on this call, you're really interested about</p> <p>2 agriculture in California in my district, you ought to</p> <p>3 look in the damn mirror and go look at the Hearst</p> <p>4 winery, and go look at the Hearst ranches. If you're so</p> <p>5 interested, maybe ask them, I don't know, are they</p> <p>6 verifying? Those are questions you could have asked</p> <p>7 them.</p> <p>8 You didn't need to go out to Iowa, you didn't</p> <p>9 need to go to my 98-year-old grandmother's house and</p> <p>10 scare the hell out of her, but you did it. You did it.</p> <p>11 Matter of fact, she's dead now, by the way, and she</p> <p>12 never really recovered from that. So, you know --</p> <p>13 anyway, I'll just stop there.</p> <p>14 Q. All right. I'm going to let you go on with your</p> <p>15 comments because I don't want to cut you off or</p> <p>16 interrupt you again, but you did not answer my question,</p> <p>17 so I'm going to ask the court reporter to read it back.</p> <p>18 And I just will say, if we need to continue the</p> <p>19 deposition or ask the court for more time because we</p> <p>20 don't finish today, you know, that's your choice.</p> <p>21 MR. BISS: You can do whatever you want, just</p> <p>22 get on with the deposition, stop wasting time.</p> <p>23 MR. DONNELLAN: I am certainly trying to, Steve.</p> <p>24 Court reporter, could you please read back the</p> <p>25 question that I asked.</p>	<p style="text-align: right;">Page 73</p> <p>1 Iowa. And then also the one that I told you about</p> <p>2 because it's -- it's very concerning because it has to</p> <p>3 do with a terrorist group called Antifa. I'm not sure</p> <p>4 if you've heard of them or not, but they're the ones</p> <p>5 that went burning down buildings all over this country</p> <p>6 last year. And then they showed up, somebody was from</p> <p>7 my area that actually went back there to target my</p> <p>8 family.</p> <p>9 So, if it wasn't for your article, how the hell</p> <p>10 would he know it, and you know the answer to your own</p> <p>11 question.</p> <p>12 BY MR. DONNELLAN:</p> <p>13 Q. Well, I had thought that the location of your</p> <p>14 family's farm was not a secret. Isn't that your</p> <p>15 position?</p> <p>16 A. Are you trying to be cute? It's not a secret</p> <p>17 because -- you guys said that it was a big secret and</p> <p>18 you gave the implication that it had something to do</p> <p>19 with me. And it's not just the Iowa farm. It's also</p> <p>20 the farms in -- that are nearby me here, where every one</p> <p>21 of my family members have been targeted. And it's also</p> <p>22 any business that I'm involved with, including wineries</p> <p>23 that I'm involved with that have been targeted. So --</p> <p>24 Q. Congressman, I'm not trying to be cute, but I am</p> <p>25 trying to be responsive to your answers and trying to</p>

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<p style="text-align: right;">Page 74</p> <p>1 get answers to my questions. And my question is, going 2 back again to the threat that you had talked about, you 3 said that you -- when I asked you why you thought that 4 that threat was connected to the Esquire article, you 5 said because they referenced the location of your 6 family's farm in Iowa. 7 And now I'm asking you, is there anything else 8 in that threat that was referenced that would connect it 9 to the Esquire article? 10 A. Well, there's that one, was the most recent, 11 that I can recall as it related to the farm, and like I 12 said, it was in the last few months. But then there was 13 one that was, I don't know what it was, six or -- seven 14 months ago, where you had somebody who left this area 15 and showed up out there on my family's farm there in 16 Iowa. 17 Not to mention all the lunatics that go around 18 my house and my farms here. And it's the total phony 19 story that you wrote and the implication that you -- 20 that you used to give your readers some type of idea 21 that I may or may not have something to do with Iowa. 22 And, you know, it's right here, it's in the 23 article that's still up online. You can probably look 24 at it, but you -- and every day you leave it up, and 25 every day you don't apologize, is another day that my</p>	<p style="text-align: right;">Page 76</p> <p>1 car parked there. So, yeah, it kind of scares the hell 2 out of people. 3 And then, furthermore, then the guy goes and 4 he's parked, taking pictures of my brother's home. You 5 know, this is sick stuff. Like I never even heard of a 6 reporter that supposedly, as you guys represented to the 7 court, you lied to the court, but you told the court in 8 my case that you were doing an origin story on -- on me. 9 Well, your reporter, and I provided this, I 10 provided these e-mails to you, your reporter represented 11 that, oh, he just happened to be in Iowa doing a story 12 on immigration and the dairy industry. Now, that's not 13 what you told the federal court. So, your story doesn't 14 jive there. 15 And then like I said, you know, you could have 16 just targeted the Hearst family if you wanted to do 17 some -- you know, if you really have an interest in 18 immigration. So, the fact that you would send this guy 19 with these [REDACTED] to my mom's house, hanging out, 20 to my young nieces', you sent him there, he's parked two 21 houses down taking pictures while my nieces are outside, 22 that's pretty sick stuff. 23 And then you're playing dumb like, oh, what -- 24 let me ask you a question about how people would know 25 what it -- how people would link this up. I get threats</p>
<p style="text-align: right;">Page 75</p> <p>1 family has to live in fear. Not only the family in 2 Iowa, but my family that's here in California, including 3 my wife and children who often have to have protection. 4 So, it's garbage like this that's destroying 5 America. And like I said, I find it very hypocritical 6 that you've gone down this line of questioning, knowing 7 that the Hearst family is involved in agriculture. You 8 could have picked any dairy farm in America, or winery, 9 to do your fake story, but you didn't. You targeted my 10 family because you have a lunatic, an unhinged lunatic 11 that's the reporter, who has serious problems. He's a 12 political operative, didn't have a job until you guys 13 hired him to be an assassin to go out to my family. 14 In fact, I didn't even know that he was working, 15 I didn't know he had a job, 'cause I didn't think 16 anybody would be crazy enough to hire this guy with all 17 of the [REDACTED] 18 [REDACTED] 19 And then, not to point out, then you have this 20 sick guy that goes and parks by my parents' home, and he 21 parks in a, basically at a dead end of the road that 22 nobody even goes down where he can peer into their 23 backyard. And so, it's a road that there's never even 24 been a car on in my whole time, the times that I've been 25 out there, and my dad and mom said there's never been a</p>	<p style="text-align: right;">Page 77</p> <p>1 nearly every day and you could find them all if you just 2 went to your own website, if you even cared. 3 Q. Are all the threats that you receive related to 4 the Esquire article? 5 A. It's one of the big ones, but no, that's not all 6 the threats. 7 Q. How do you distinguish between those that are 8 related to the Esquire article and those that are not? 9 A. The ones that mention that I have some secret 10 illegal activities that I'm concocting in Iowa. Any 11 time you see those online, that poisons people, and then 12 it gets people to leave from here and go out there, and 13 it gets people to drive by their farms, drive by their 14 homes. And it's totally inappropriate. Public 15 officials' families, especially, especially distant 16 family, should be -- should be off limits. 17 Q. And with respect to the threats that you've been 18 talking about, if we put aside threats on Twitter or 19 that are posted online for public consumption, how many 20 threats have you received personally through e-mail, 21 telephone, letter, or some other direct means of 22 communication to you? 23 A. Look, I'm not going to get into specifics of 24 that, but it's more than I can -- more than I can count. 25 And I don't know the whole number, but I'm under</p>

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<p style="text-align: right;">Page 78</p> <p>1 constant -- I'm constantly having to make sure that my 2 family is secure, both here in California, my staff is 3 secure in Washington, and my staff here. And oftentimes 4 it is directly related to your article, your hit piece. 5 Q. So, we started this line of discussion when I 6 asked you if you read the article and what your reaction 7 was to it. If I could focus you, to the extent to which 8 you can remember, you said that you read it the night it 9 came out. Do you recall what your reaction, your 10 immediate reaction was to it that evening; was it the 11 same as what you've described or was it any different? 12 A. Specifically that night? I mean, it's hard -- 13 you know, I don't know if that night or within the few 14 days after, but I mean clearly you're accusing me and my 15 family of federal crimes 30 days before an election, so 16 pretty serious stuff. 17 Oh, then it was used by all of my political 18 opponents, conveniently, too. That's -- not that you 19 guys would have had any coordination on that. Just like 20 I'm sure you didn't coordinate, Lizza didn't coordinate 21 with CNN to have a camera crew show up on the very next 22 day, I believe it was the next morning, at my 23 grandmother's house. Which, by the way, would be a four 24 or five-hour drive for a CNN crew to get to her home. 25 And the same goes for -- that showed up out at</p>	<p style="text-align: right;">Page 80</p> <p>1 date. 2 Q. Have you ever visited Sibley, Iowa? 3 A. Yes. 4 Q. And you visited the farm, presumably, your 5 family's farm? 6 A. Yes. 7 Q. How often have you been there? 8 A. Maybe, I don't know, maybe once, maybe two 9 nights, maybe, last year. I'm usually out there about 10 every other year for a birthday or baptism, something 11 like that, usually for just a couple nights. We went, 12 one time we went, I took my kids for, I believe it was 13 Fourth of July, maybe about, I don't know, seven, eight 14 years ago. 15 And then there was one time that my grandmother, 16 when she was still alive, that I -- just what I 17 remember, we took her out there one time, I think either 18 me or my aunt traveled with her, met her out there. So, 19 been there a couple times for more than a few days, and 20 then the rest of the time it's usually just been a night 21 or two if I was swinging through. 22 Q. How many times have you been there since the 23 Esquire article appeared? 24 A. I don't even know if I have been. I know I -- I 25 know I made it up there -- I'd have to look at my</p>
<p style="text-align: right;">Page 79</p> <p>1 my brother's place out in Iowa, I'm sure that was just 2 coincidence. 3 Q. When did you first consider suing? 4 A. Probably -- probably early 2000 -- I guess it 5 would be 2019. 6 Q. Why did -- why was it not until 2019? 7 A. Well, it wasn't -- I mean, I wanted to do it -- 8 I had to figure out how I could actually bring lawsuits. 9 I didn't know the law well enough, so I had to study it. 10 And then -- and now my policy is, and I have a new 11 policy, that if you defame or slander me, I take you to 12 court. 13 Q. When did you implement that policy? 14 A. In 2019. 15 Q. Was this article what motivated you to implement 16 that policy? 17 A. This is one of the big ones. 18 Q. You understand that the only remaining issue in 19 your family's case, the NuStar case, relates to the 20 reporting that your father or your family's farm relies 21 on undocumented workers, right? 22 A. I don't know what's remaining in that case. 23 Q. Okay. 24 A. All I know is you asked me to appear on a 25 deposition, I gave you a date, and then you moved the</p>	<p style="text-align: right;">Page 81</p> <p>1 calendar, but I think I was there last year, it was 2 around September. I think it was -- it was last fall. 3 And I was there -- I think I was in Omaha, and I drove 4 up, as I recall. But I don't know if I was actually -- 5 are you saying on the farm, or just visiting my family? 6 Q. That's a fair distinction. Visiting your family 7 or the farm, shall we say. 8 A. On the farm, I don't know. I can't -- I don't 9 recall. I know I visited my family last year. 10 Q. So, the fall of 2020, was the last -- 11 A. I think it was -- I think it was one night, 12 might have been two nights. 13 Q. And that was the last time you were there? 14 A. That was the last time that I was there. But 15 that was visiting my family, I was not on the farm. 16 Q. And had you visited your family or the farm any 17 other time in 2020? 18 A. Not that I recall. 19 Q. How about in 2019? 20 A. I think it was just -- I think it was just 2020, 21 that I recall. 22 Q. Do you recall any visits to your family or the 23 farm in 2018? 24 A. No. 25 Q. Do you communicate with your family much by</p>

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<p style="text-align: right;">Page 82</p> <p>1 other means, by telephone or e-mail or otherwise?</p> <p>2 A. Just -- I mean, my family, before COVID, my --</p> <p>3 you know, my parents spend -- used to spend quite a bit</p> <p>4 of time out here in California, so either in person or</p> <p>5 on the phone.</p> <p>6 Q. And how about your brother and his family?</p> <p>7 A. My niece came out for my grandmother's funeral,</p> <p>8 two of my nieces did, and they stayed with me, which was</p> <p>9 about, about a month ago.</p> <p>10 Q. Do you talk with your parents about the -- about</p> <p>11 the business?</p> <p>12 A. No.</p> <p>13 Q. Do you talk with your father at all about the</p> <p>14 farm's operations?</p> <p>15 A. No, I do not.</p> <p>16 Q. Never?</p> <p>17 A. Probably just random stuff, but, you know, like</p> <p>18 how's the -- what's the corn crop look like and things</p> <p>19 of that nature.</p> <p>20 Q. Do you talk with your brother at all about --</p> <p>21 A. About the specifics of -- of -- I have enough</p> <p>22 issues to deal with on my own. But as it relates to</p> <p>23 issues on either my brother's farm there or my family's</p> <p>24 operations here in California, other than just small</p> <p>25 talk, I don't know anything really about the operations.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Have you ever spoken with any of the workers</p> <p>2 there besides hello?</p> <p>3 A. Not that I can recall. Waving, hello, what's</p> <p>4 going on. I remember one time I was out there, I think</p> <p>5 my uncle was out there and we did -- they were</p> <p>6 harvesting corn, I can't remember this was -- this was</p> <p>7 probably ten years ago, I'm not sure if it was the same</p> <p>8 trip, but I was in there for a couple nights and my</p> <p>9 uncle was out there and I remember we were, I think they</p> <p>10 had some new piece of equipment and I talked to several</p> <p>11 of the people that were there working at that time.</p> <p>12 That's probably the last time I can remember</p> <p>13 actually talking to anyone on the -- that worked on the</p> <p>14 farm.</p> <p>15 Q. Have you ever discussed labor issues with your</p> <p>16 father or your brother at all?</p> <p>17 A. No, I have not.</p> <p>18 Q. Have you had those sort of conversations at any</p> <p>19 time over the last 20 years?</p> <p>20 A. As it relates to what?</p> <p>21 Q. As it relates to agriculture and farming.</p> <p>22 A. We've had lots of conversations about farming in</p> <p>23 general, but in terms of the operation on that, on that</p> <p>24 farm, other than going to -- when my brother decided</p> <p>25 that he was going to move out there, I remember stopping</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. So, you don't --</p> <p>2 A. It's been a long time since I've been involved</p> <p>3 in those -- in my family's operations.</p> <p>4 Q. So, you don't speak with your brother about the</p> <p>5 farm business or operations at all either?</p> <p>6 A. Not really, no. Small talk. But about specific</p> <p>7 operations about that, about that farm, no, I do not.</p> <p>8 Q. Like, for example, do you know how many cows</p> <p>9 they have there?</p> <p>10 A. Today, no. I know roughly it's in the -- it was</p> <p>11 around 17 or 1800, but I think they have more now, but I</p> <p>12 don't know.</p> <p>13 Q. Do you know roughly how many workers they have?</p> <p>14 A. I have no idea.</p> <p>15 Q. Do you know anything at all about the</p> <p>16 composition of their workforce?</p> <p>17 A. No, I do not.</p> <p>18 Q. Do you know who any of the workers are?</p> <p>19 A. No, I do not.</p> <p>20 Q. Have you ever met any of the workers at the</p> <p>21 farm?</p> <p>22 A. I'm sure I have, just walking through. But, you</p> <p>23 know, when I've been there in the past, that I can</p> <p>24 recall, it's just walking in, walking out and saying</p> <p>25 hello.</p>	<p style="text-align: right;">Page 85</p> <p>1 out there. I can't remember what year it was, it would</p> <p>2 have been probably 2005 or '06, and he wanted me to look</p> <p>3 at the farm. And it was before he owned it. And then I</p> <p>4 went out there and --</p> <p>5 Q. Did you go --</p> <p>6 A. I went out there and I looked at the farm and,</p> <p>7 you know, gave him my advice, which I'm not sure if he</p> <p>8 took any of it or not.</p> <p>9 Q. I'm sure with your, not just with your</p> <p>10 experience but with your academic degrees in</p> <p>11 agriculture, your family has called upon you for your</p> <p>12 views and your advice in the past such as that, yeah?</p> <p>13 A. Like I said, that was the one time I -- the only</p> <p>14 time -- issue I can remember, was when they first bought</p> <p>15 the farm, they were getting ready to put it into escrow,</p> <p>16 I stopped out there -- or I think maybe -- maybe two</p> <p>17 nights, and just to give them my -- they asked for my</p> <p>18 thoughts on it.</p> <p>19 Q. And what -- and what were your thoughts on it,</p> <p>20 what were the views that you shared with them about the</p> <p>21 farm?</p> <p>22 A. Well, I didn't really want them to leave. I</p> <p>23 didn't want my brother to leave, but I understood why he</p> <p>24 was leaving, so...</p> <p>25 Q. What were the views you shared with him about</p>

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<p style="text-align: right;">Page 86</p> <p>1 the farm, which is what presumably was asked for, right?</p> <p>2 A. Oh, yeah, it would have just been, you know, my</p> <p>3 evaluation. I mean, at that time I was not as far</p> <p>4 removed from farming as I am now, specifically on dairy,</p> <p>5 because I used to run my grandmother's farm. So, at</p> <p>6 that time, you know, it was evaluating the facilities,</p> <p>7 the animals. I think we went and looked at some young</p> <p>8 stock that they had, and that's the state of my</p> <p>9 evaluation.</p> <p>10 Q. Presumably you evaluated the labor forces as</p> <p>11 part of that, yes?</p> <p>12 A. No, I did not.</p> <p>13 Q. Wouldn't that be one of the largest cost centers</p> <p>14 in running a farm?</p> <p>15 A. No, not -- nice try on the labor, there you go</p> <p>16 again on the labor thing. Why would I go out to a farm</p> <p>17 my family doesn't have, doesn't own, and evaluate labor?</p> <p>18 Q. Because you said that you were evaluating the</p> <p>19 farm operations and --</p> <p>20 A. They weren't buying -- they weren't buying</p> <p>21 labor.</p> <p>22 Q. Before going out --</p> <p>23 A. They were buying facility -- they were buying</p> <p>24 facility and -- facility and the land and the animals.</p> <p>25 That's what I was evaluating. And that's the last time</p>	<p style="text-align: right;">Page 88</p> <p>1 what are you doing? He says, well, I confronted the</p> <p>2 guy. And -- and I went out there to see what was going</p> <p>3 on because clearly he had been trespassing on the farm</p> <p>4 the day before, and here he was parked in a place, that</p> <p>5 the only thing you would do is eavesdrop on somebody,</p> <p>6 which I don't know why any reporter would think that he</p> <p>7 can sneak around a small town like that and not get</p> <p>8 spotted and not look like, you know, you're casing out</p> <p>9 the place, which ends up that's exactly what he was</p> <p>10 doing.</p> <p>11 And then my dad told me that it was Lizza. And</p> <p>12 I told him I was kind of surprised, because I said</p> <p>13 that -- I said it was very dangerous, because Lizza</p> <p>14 doesn't even have a job. 'Cause I didn't think that he</p> <p>15 had a job. And I told him, I said be careful, because I</p> <p>16 knew the guy's background as being a left wing assassin.</p> <p>17 And then he said something about, represented to</p> <p>18 my dad -- my dad said something like, oh, no, he says he</p> <p>19 works for CNN, or something along those lines. And I</p> <p>20 said, well, look, I said, I don't know what he's doing</p> <p>21 there, but be careful because this guy's got a really</p> <p>22 checkered past, and he's got, you know, serious [REDACTED]</p> <p>23 [REDACTED].</p> <p>24 And then it was at that point -- that's what I</p> <p>25 basically remember, when that all happened. And then</p>
<p style="text-align: right;">Page 87</p> <p>1 that I can remember of actually doing something that</p> <p>2 was -- you know, where I got called in where they asked</p> <p>3 me to give them an evaluation.</p> <p>4 Q. When did you first learn that Ryan Lizza had</p> <p>5 gone to Sibley, Iowa?</p> <p>6 A. When my dad called me and he -- and he said --</p> <p>7 'cause I had talked to him the day before, and I</p> <p>8 remember he said that there had been some car that had</p> <p>9 been trespassing on the farm, or driving around real</p> <p>10 slow, which was kind of odd.</p> <p>11 And then he called me, matter of fact, I think</p> <p>12 he called me, maybe a couple times, and I was -- I</p> <p>13 think -- because I was in Washington, as I recall. And</p> <p>14 I knew something was wrong because he normally wouldn't</p> <p>15 call like that. And then he said, hey, you remember the</p> <p>16 car that I told you was driving around slow on the farm,</p> <p>17 and I said yeah. And he said, it's parked outside my</p> <p>18 house.</p> <p>19 And I'm like where, and I told you this earlier,</p> <p>20 it was parked in a place where nobody ever parks because</p> <p>21 it's on a dead end on an untraveled road that actually</p> <p>22 looks -- the only thing you can see is a corn field or</p> <p>23 into the backyard of my family, to my parents' home.</p> <p>24 It's a small town there.</p> <p>25 And so, that's when I said, did you -- I said,</p>	<p style="text-align: right;">Page 89</p> <p>1 like I said, then probably, I don't know, a month later,</p> <p>2 I get these frantic e-mails and messages, you know, to</p> <p>3 my office from your reporter, Lizza, claiming that he</p> <p>4 was just doing a story on immigration in the dairy</p> <p>5 industry. But couldn't really figure out, though, why</p> <p>6 he would be talking to -- racial profiling, talking to</p> <p>7 every Hispanic he could find in Sibley, Iowa, which is</p> <p>8 what my family had told me, and running around asking</p> <p>9 about me, claiming that I was using different names and</p> <p>10 all kinds of other conspiracy theories, that I was, you</p> <p>11 know, hiding something there.</p> <p>12 So, like I said, you have a problem that --</p> <p>13 Hearst has a problem, not just for being hypocrites and</p> <p>14 not, you know, investigating, you know, your supposed</p> <p>15 concerns of agriculture because you could just look at</p> <p>16 your own landholdings and winery, but also because you</p> <p>17 have a situation where you were, you know, targeting --</p> <p>18 you send a [REDACTED] guy out there, and then you</p> <p>19 wonder why my parents had to call the sheriff.</p> <p>20 The guy was driving around slow, taking</p> <p>21 pictures, scaring the hell out of my nieces. And then,</p> <p>22 you know, like I said, I didn't believe that he had a</p> <p>23 job because of all the stories that I knew at the time.</p> <p>24 'Cause, matter of fact, I remember right after I got off</p> <p>25 the phone with my dad that first morning, I called to</p>

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<p style="text-align: right;">Page 90</p> <p>1 see -- I called -- or I started to search, and I said I 2 don't think this guy has a job. And then I called my 3 dad back and said, I don't think he has a job, because 4 of all these stories. I mean, they were in all the, you 5 know, all the fake news stories here about the [REDACTED] 6 [REDACTED] you got New York Times, Politico, which 7 ironically ended up hiring the guy after you guys fired 8 him. The AP. Chicago Tribune. U.S. News. I mean, 9 nearly every single outlet in the country covered that 10 this guy had been fired [REDACTED]. 11 So, the fact that this guy would misrepresent 12 himself out there, run around saying that he's doing a 13 story supposedly on immigration and the dairy industry, 14 why he would chose there is weird; why wouldn't he go 15 ask him some questions. 16 And in fact, Hearst, you guys lied to the 17 federal court in my case, claiming that this was somehow 18 an origin story. You know it's a lie. Lizza knows it's 19 a lie. And his e-mails also show that it's a lie. So, 20 that's what I -- that's what I remember when I first 21 talked about my dad when you sent a [REDACTED] out to 22 stalk him and my mom and my nieces. 23 Q. Okay, so I've heard you make reference to, at 24 least two communications you had with your father while 25 Ryan Lizza was in Sibley, one when he called and said</p>	<p style="text-align: right;">Page 92</p> <p>1 I didn't know he had a job. 2 Q. Okay. 3 A. So, at that point we're assuming, I'm under the 4 assumption, and the reason I think that my dad went to 5 the sheriff, is because I'm under the assumption that he 6 is hired by the same dirty groups that had been 7 targeting me and the rest of my family. 8 But that was the first time that anybody had 9 actually shown up in Iowa. We had had numerous similar 10 problems of, you know, goons like the ones you hired 11 just to run around Sibley and target people just a month 12 or so ago, I heard about. You know, there were goons 13 hired around here to target my family here. 14 Q. Representative Nunes, just again, in an effort 15 for us to be able to move through the questions that we 16 have and to be efficient with our time, I just want to 17 try to focus on the number of communications that you 18 had with your father while Ryan Lizza was in Sibley, and 19 also the substance of those and -- 20 A. I told you -- 21 Q. If I could -- if I may, please, Your Honor. 22 A. Okay. 23 Q. You had said initially that your father had 24 called and said that some car was trespassing on his 25 farm, and then you had a later conversation that, you</p>
<p style="text-align: right;">Page 91</p> <p>1 there's a guy trespassing, and then he called you back 2 and said, hey, the guy's name is Lizza, I confronted 3 him. 4 Were there more than two communications that you 5 had with your father while Mr. Lizza was in Sibley? 6 A. Like I said, I think that -- I told you about 7 the articles that I then looked up, because I didn't 8 believe that he had a job -- 9 Q. That's not my question. And, again, I don't 10 mean to be rude or disrespectful at all, but I'm just 11 asking about the number of communications that you had 12 with your father while Ryan Lizza was in Sibley, Iowa. 13 A. Oh, I wouldn't remember that. I just remember 14 the first -- I remember -- the first conversation I had, 15 I was actually just talking to him in generalities, I 16 think I was checking in. That was the -- that was when 17 he was first trespassing, but nobody knew what it was. 18 It was just in passing that my dad said that there was a 19 car driving around, he said he kept seeing it, and it 20 was trespassing. 21 And then, like I said, it was the next morning 22 that he called me with that, and then that's when I 23 looked up all the stories. And I think I must have 24 called him back that day, I don't remember, but -- 25 'cause I said this guy doesn't even have a job, because</p>	<p style="text-align: right;">Page 93</p> <p>1 know, he said that the car was outside his house then. 2 And then you just said, just before, that you thought 3 the first call was that you were checking in with your 4 father, which suggests that you may have been calling 5 him and that you were talking about generalities. 6 So, I just want to make sure I have the sequence 7 right and the number of conversations -- 8 A. Okay, I can clarify this for you, because I 9 remember this part pretty distinctively. 10 Q. Thank you. 11 A. So, it was the day before, when I was just -- I 12 happened to be talking to my father, just a check in 13 call, you know, like once a week or whatever, and he was 14 out, he was out on the farm, and I think they were 15 chopping corn at the time, harvesting, and then we were 16 just chatting and then he says something about a car, 17 and then he said that there's this car that keeps 18 driving around. And I said, oh, that's weird, you know, 19 didn't think anything of it. 20 And then the next morning was when he caught 21 Lizza, you know, peeping around in his backyard. And 22 that's when he went out, you know, like any normal 23 person would do, and confronted him, you know, 24 especially since my mom was in there, and confronted him 25 to see -- he didn't know what the hell the guy was doing</p>

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<p style="text-align: right;">Page 94</p> <p>1 because he had been casing out the dairy the day before, 2 now he's three miles away casing out their house in 3 Sibley. That's when he called me frantically, after 4 that. 5 And then like I said, I remember at the time, 6 that's why I wanted to get my recollections back, 7 because I remember searching, 'cause I said that Lizza 8 didn't have a job, and I was just assuming that he was 9 out there targeting me. Which he was, ends up he was, 10 but those are kind of the three conversations that I 11 remember having with my dad at that time, and that was 12 in that two-day period. 13 Q. So, just going back to the first conversation 14 where, you know, you said initially that Lizza was 15 trespassing on the farm, and you said just now that he 16 was driving around. Did he actually go on the farm 17 property or not? 18 A. From what I remember, he was actually driving -- 19 you know, whether it's trespassing or not, you know, I 20 don't know. My dad just said that he was driving around 21 slowly around the farm. Legal definition of 22 trespassing, I don't know, I didn't see, I don't have -- 23 I can only tell you what my dad was telling me, that the 24 guy, for several hours, you know, had been driving back 25 and forth and around the farm.</p>	<p style="text-align: right;">Page 96</p> <p>1 what my dad -- from the location that he was in. 2 Q. He was parked in the street, correct? 3 A. No, he was -- well, he was parked on a dead-end 4 street that's really not -- it's not a through street. 5 It's a street that's along a little -- between -- by a 6 field and a wooded area that's part of my parents' 7 property, with a direct view into their backyard, their 8 garage. I mean, very bizarre. 9 And then later, I remember that one of the 10 neighbors there saw him a couple houses down from my 11 parents' home taking pictures of the -- of the house. 12 And then, of course, there's later that I found out that 13 he was at my brother's house, which is -- which is, you 14 know, a few blocks away, and he was stopped out there 15 stalking my brother's home taking pictures while my 16 nieces were in the front yard. 17 Q. So, just going back again to the chronology and 18 what your father said to you and you said to him, you 19 had said earlier that after the second call with your 20 father, that you went and you looked up information 21 about Ryan Lizza, correct, is that right? 22 A. Remember, the first call had nothing to do with 23 Ryan Lizza. We didn't know who -- we didn't know -- it 24 was just in passing that he said some car had been 25 driving around the farm.</p>
<p style="text-align: right;">Page 95</p> <p>1 So, if you're going around the farm that's -- if 2 it's not trespassing, it's awfully damn close, but it's 3 definitely stalking. So -- and then, you know, for sure 4 when you show up at -- at my mom's and dad's house 5 that's three miles away, I already explained that to 6 you, that's really stalking and weird. 7 And then I know after the fact, I can't remember 8 when I found out about it, but when the neighbors saw 9 him a couple houses down from my nieces' home, when they 10 were out in the front yard and they thought he was some 11 perv, that's a big problem. 12 Q. But just going back to the second conversation 13 again, when Lizza went to your parents' home, you had 14 said the first time that he was parked outside the 15 house, then you made a comment that suggested that he 16 might have been on their property looking in their 17 windows, and now you're -- that's something I have not 18 heard anywhere before. 19 Is that what you're saying, or are you saying 20 that you heard that he was parked outside? 21 A. He was parked outside. So, the two -- so, 22 initially, he was parked where nobody should be parked, 23 in a spot that would only be there to monitor what's 24 happening in that house. There's no other homes there. 25 There would be no reason to be where he was parked, from</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Got it. 2 A. I thought that was obviously a little weird 3 because of all the, you know, all of the other issues 4 that I was having at that time with security. So, it 5 was a little odd that, you know, just -- you know, he 6 raised that. Because we had lots of other people 7 driving -- you know, stalking me and the farm and my 8 family's farms and all of that in California. 9 So, then the first call where I find out about 10 Lizza was right after he had caught Lizza on the side of 11 his house on a road that's a dead end. And then I think 12 -- and then when he told me that, I said be careful 13 because he doesn't have a job. And so, that's when I -- 14 and then I think I looked up to see if he had a job, and 15 I think I told my dad -- I think I called him back, and 16 I can't remember if it was an hour or five hours, but 17 called him back and said, hey, the guy doesn't have a 18 job, so whatever he's doing out there, you know, it's 19 obviously targeting me. 20 Little did my dad know that it was targeting him 21 because he was going around the town racial profiling 22 and finding anybody who didn't speak English to try to, 23 you know, make up a story, which is what he did, about 24 me and my family. 25 Q. Now, when you -- so, the second and the third</p>

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<p style="text-align: right;">Page 98</p> <p>1 calls, you know, the second call, when you called your 2 father and he noted the car outside, at that point he 3 told you it was Ryan Lizza. I'm assuming at that point 4 that your father had gone outside and spoken with Lizza; 5 is that right?</p> <p>6 A. Yeah, actually, I think he actually pronounced 7 the name wrong, as I recall. And I'm like who, and then 8 I said, no, it can't be that guy, because he doesn't 9 have a job. And then he said, yeah, he said he's from, 10 you know, wherever he said he was from. And I just 11 said, wow, I don't think it's the same guy, he doesn't 12 have a job.</p> <p>13 And then that's when I went and searched, and 14 then I called him back at some point, and I didn't think 15 it was the same guy, but then my dad said, no, that it 16 was the same guy. Because I think he must have looked 17 up and found a picture of him, probably a picture on the 18 [REDACTED] job stories.</p> <p>19 Q. Did you tell your father at any point that he 20 shouldn't speak to Lizza?</p> <p>21 A. I told him, I said watch out, stay away. I 22 don't know if this guy's -- I mean, and obviously that 23 was the right advice. I wasn't sure if he was there to 24 harm him or to, you know, just filming and taking 25 pictures. I didn't know what the hell he was doing. Of</p>	<p style="text-align: right;">Page 100</p> <p>1 mail messages also?</p> <p>2 A. He sent me a direct -- I think he actually 3 called me, texted me, which I don't even know how he got 4 my phone number. And then I know he direct messaged me 5 on Twitter, because I have that -- I provided that to -- 6 to your subpoena request.</p> <p>7 Q. Were there any other communications that 8 Mr. Lizza made to you or your office?</p> <p>9 A. Yeah, I think it was around the same -- I don't 10 remember if he e-mailed -- I think he might have 11 e-mailed my staff also.</p> <p>12 Q. And did you --</p> <p>13 A. But if we had that, we would have provided it to 14 you.</p> <p>15 Q. And did you respond to any of Mr. Lizza's 16 communications?</p> <p>17 A. Absolutely not.</p> <p>18 Q. Did your staff respond?</p> <p>19 A. Absolutely not. We don't respond to fake news, 20 especially a guy like Lizza.</p> <p>21 Q. This is --</p> <p>22 A. You have a guy running around -- you have a guy 23 running around, we don't even think has a job, has all 24 sorts of [REDACTED] issues, he's not exactly the 25 guy, despite the fake news aspect of it, Lizza's not a</p>
<p style="text-align: right;">Page 99</p> <p>1 course, after the fact, you know, when the story comes 2 out, you know, it ends up being totally, just fabricated 3 nonsense.</p> <p>4 Q. Did you speak with anybody else in your family 5 while Ryan Lizza was in Sibley?</p> <p>6 A. Not that I recall, but that's been a long time 7 ago.</p> <p>8 Q. Did you speak with anybody outside your family 9 about Ryan Lizza's presence in Sibley during that time?</p> <p>10 A. I'm sure that I would have mentioned it to -- 11 'cause at that point we were dealing with all sorts of 12 security issues, so I probably -- I'm sure I would have 13 mentioned it to my people on my campaign and office, but 14 I don't -- I don't know.</p> <p>15 And I know for sure after the fact when the 16 story came out, you know, that was obviously pretty bad, 17 because, you know, it went out to tens of millions of 18 Americans. And then from that day forward, all the 19 accusations have been flying against me and my family.</p> <p>20 Q. And you testified a little while earlier that 21 about a month after Mr. Lizza's visit to Sibley, that he 22 had sent e-mails to your office; is that right?</p> <p>23 A. Yeah, we provided those to you as part of -- 24 when you subpoenaed me for them.</p> <p>25 Q. And did he provide -- did he send you direct</p>	<p style="text-align: right;">Page 101</p> <p>1 guy that I would respond to anyway, other than you guys 2 thought he was a great guy to hire.</p> <p>3 Q. So, you wouldn't have responded to him under any 4 circumstances?</p> <p>5 A. Not with his [REDACTED] problems, no.</p> <p>6 Q. You weren't interested in learning what he was 7 reporting on or what he was seeking comment on?</p> <p>8 A. Well, it was -- it was -- I know what he did 9 because he represented it in his message to me, which 10 was he was doing it on dairy -- on the dairy industry 11 and immigration. Which is kind of weird, he doesn't 12 seem to me to be like an ag reporter of any kind. Of 13 course, by the time we got that e-mail I already knew 14 that he had been stalking my family for the better part 15 of a week, or a few days. And I think it had been about 16 four weeks ago, or four weeks before, when I got the 17 e-mail, maybe more.</p> <p>18 And then the story runs, and of course it was 19 exactly what we thought, he was just there making up 20 stories. And then of course, you know, the issue that 21 you have, that I decided not yet to raise it to the 22 court, but, you know, you lied directly to the federal 23 court, you Hearst.</p> <p>24 Q. I'll take issue with that, but we'll leave that 25 for another day.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Congressman, you testified earlier that in one 2 of the calls with your father, that while Lizza was 3 reporting in Sibley, that he said that Lizza was talking 4 to every Hispanic he could find there. What was -- tell 5 me more specifically what your father relayed to you 6 about that.</p> <p>7 A. My father never told me about that he was 8 talking to every Hispanic there. I got it from your 9 story. I got it from Lizza's -- I got it from Lizza's 10 story. It looks like he -- it looks like he just went 11 around and found -- I mean, give me a break, some 12 Guatemalan boy, I think he was having a beer or 13 something weird like that; and he's going around talking 14 to some priest smoking cigarettes and -- and, you know, 15 talking about Hispanics. And then supposedly he has 16 sources that he supposedly had.</p> <p>17 So, that's my interpretation of his story, that 18 he went prowling around Sibley. And I know that, you 19 know, just in passing conversations with -- with, you 20 know, surrounding this court case, that's the best that 21 we can -- that's the best that we can tell, that he just 22 went to Sibley to find any brown Spanish-speaking person 23 he could, and he just went up to all of them saying, you 24 know, do you know Devin Nunes, and do you know the Nunes 25 family.</p>	<p style="text-align: right;">Page 104</p> <p>1 A. So, he -- when I was talking to him the night 2 before, that Lizza went to my mom and dad's home, so 3 which I think was, I want to say it was like in the 4 morning, as I recall, so the first phone call was just 5 me, just a usual check in and my dad said that there was 6 some guy that was diving around the farm. So, I took 7 that as trespassing.</p> <p>8 Then I didn't think anything of it until I got 9 that frantic phone call the next day, which I think I've 10 already explained that to you, that he said there was 11 some guy, I think he pronounced it wrong, and then -- I 12 think he might have said Liza or something like that. 13 And then I said Lizza, I said, no, that's impossible, he 14 doesn't have a job.</p> <p>15 And then I, like I said, I think I did some 16 searches and found all the stories about him. And then 17 I'm pretty sure I must have called my dad back, or he 18 called me back, and I said, hey, this guy doesn't have a 19 job. And my dad said, no, no, that's the same -- that's 20 the same guy, 'cause he saw the picture of him.</p> <p>21 THE REPORTER: Counsel, when it's a convenient 22 time, I need to take a break.</p> <p>23 MR. DONNELLAN: Absolutely. Why don't we 24 take -- we can take a break now.</p> <p>25 And Congressman, I don't know if you'd like to</p>
<p style="text-align: right;">Page 103</p> <p>1 I mean, he was -- just like I said, he was 2 telling people that I had -- that I was using a 3 different name or something crazy like that, that I was 4 somehow secretly using a different name. I mean, it's 5 really psychotic stuff.</p> <p>6 Q. Well, Congressman, I just want to make sure that 7 we have an accurate record of what it is that you know 8 and what your discussions were, so I'm just going to ask 9 you, in the future and in responding to my questions, to 10 separate, when I ask a question about what you 11 discussed, you know, to focus on that as opposed to what 12 you may assume based on your reading of the article.</p> <p>13 Or if you want to discuss -- if you want to 14 testify as to both, that's fine, but let's just be clear 15 about each of them. So, if I could just go back again 16 to your conversations with your father, is there 17 anything else that you discussed in that first 18 discussion, aside from the fact that there was a car 19 driving slowly around the farm, that you haven't told 20 me?</p> <p>21 A. I don't think so. I just want to make sure you 22 understand it correctly so we can get the record 23 straight.</p> <p>24 Q. That's exactly what I want, too, so we're 25 totally on the same page.</p>	<p style="text-align: right;">Page 105</p> <p>1 take a lunch break at some time, but, you know, we're -- 2 as I said earlier, whenever you'd like to take a break, 3 you just let just know.</p> <p>4 THE WITNESS: I'm fine with a -- I just want to 5 know, are we holding it to a five-minute break?</p> <p>6 THE REPORTER: Can we go off the record?</p> <p>7 VIDEO OPERATOR: We are now going off the 8 record. The time is 1:05 p m.</p> <p>9</p> <p>10 (Whereupon at the hour of 12:05 P.M., 11 a luncheon recess was taken. The 12 deposition was resumed at 1:35 P.M., 13 the same persons being present.)</p> <p>14</p> <p>15 VIDEO OPERATOR: We're now back on the record. 16 The time is 1:42 p m.</p> <p>17 BY MR. DONNELLAN:</p> <p>18 Q. Congressman, did you consult with your counsel 19 during the break?</p> <p>20 A. With my spouse?</p> <p>21 Q. With your counsel.</p> <p>22 A. No, I did not.</p> <p>23 Q. Did you review any records, electronic documents 24 or otherwise?</p> <p>25 A. No, I did not. Other than I just called him to</p>

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<p style="text-align: right;">Page 106</p> <p>1 see what was taking so long. Does that count?</p> <p>2 Q. So, at some point, did there come a time when</p> <p>3 you discussed with your family, your father and your</p> <p>4 brother, the possibility of them filing a defamation</p> <p>5 lawsuit?</p> <p>6 A. At some point.</p> <p>7 Q. Do you recall when that was?</p> <p>8 A. No. I mean, I think they knew that I was filing</p> <p>9 lawsuits, so -- and then as I recall, I think -- I think</p> <p>10 my dad sent you guys a note or a letter or something</p> <p>11 that asked you to just take the story down, and you</p> <p>12 refused to do it, just like you still do now.</p> <p>13 Q. Did you have any discussions with your family</p> <p>14 about filing your lawsuit before you did so?</p> <p>15 A. No.</p> <p>16 Q. So, did they learn about it the first time by</p> <p>17 reading about it in the press, or how did they find out</p> <p>18 about it?</p> <p>19 A. I don't know. I don't remember. I have no</p> <p>20 idea. Been, what, almost two years now.</p> <p>21 Q. Did you have any discussions with them about the</p> <p>22 article before either you or your father or brother</p> <p>23 filed lawsuits?</p> <p>24 A. I mean, I know we talked about the article on,</p> <p>25 you know, several occasions after it came out and all of</p>	<p style="text-align: right;">Page 108</p> <p>1 properties, and then running around to every dairy farm</p> <p>2 and farm in Tulare County that has the last name Nunes,</p> <p>3 that your reporter choreographed, coordinated it.</p> <p>4 So, I know that a conversation must have taken</p> <p>5 place within, you know, that next day, but when all that</p> <p>6 was happening --</p> <p>7 Q. Do you recall anything -- I'm sorry to</p> <p>8 interrupt you.</p> <p>9 A. I said that's what I -- I just recall that would</p> <p>10 had to have been the first that I had a conversation,</p> <p>11 but I don't know who that would have been with, like I</p> <p>12 told you. It could have been my grandmother. It could</p> <p>13 have --</p> <p>14 Q. Okay, so you don't recall who it was with or</p> <p>15 what the substance of it was, right?</p> <p>16 MR. DONNELLAN: I think you're frozen.</p> <p>17 (Technology discussion.)</p> <p>18 VIDEO OPERATOR: Shall I take us off again?</p> <p>19 MR. BISS: Yeah.</p> <p>20 VIDEO OPERATOR: I'll just take us off the</p> <p>21 record now.</p> <p>22 We're now going off the record. The time is</p> <p>23 1:48 p m.</p> <p>24 (Whereupon a discussion was held off</p> <p>25 the record.)</p>
<p style="text-align: right;">Page 107</p> <p>1 that, but I can't tell you, you know, how often or when</p> <p>2 or what it was or anything like that.</p> <p>3 Q. Well, you can only do the best you can. If you</p> <p>4 could, could you tell me what conversations you recall</p> <p>5 having with them?</p> <p>6 A. I mean, look, it's -- I can tell you again, if</p> <p>7 you'd like, but I think I already made the point that</p> <p>8 this is an ongoing problem for them, for their security,</p> <p>9 for the safety of their -- of my nieces, my mom. I</p> <p>10 mean, they're constantly harassed, so, yeah, I mean.</p> <p>11 And before this article, nobody ever harassed them.</p> <p>12 Q. Tell me about the first conversation you recall</p> <p>13 having with your family about the article.</p> <p>14 A. I wouldn't remember that. I just -- I told you</p> <p>15 I know that when -- when --</p> <p>16 Q. Just listen to my question. I know you said</p> <p>17 that you can't remember when the first one was, but I'm</p> <p>18 asking you about the first one that you can recall.</p> <p>19 A. So, the first one that I can -- that I don't</p> <p>20 recall specifically what it was about, but I'm pretty</p> <p>21 sure it would have been about CNN showing up the next</p> <p>22 morning, almost simultaneously on my family's farm in</p> <p>23 California, and then the farm in Iowa. But I can't tell</p> <p>24 you if that was my grandmother calling me or my uncle or</p> <p>25 my dad, or who, but they were -- they were there on both</p>	<p style="text-align: right;">Page 109</p> <p>1 VIDEO OPERATOR: We are now back on the record.</p> <p>2 The time is 1:51 p.m.</p> <p>3 BY MR. DONNELLAN:</p> <p>4 Q. So, Congressman, you had just recounted for me</p> <p>5 that you recall the conversation with a family member</p> <p>6 when CNN showed up after publication of the article, but</p> <p>7 that you didn't recall who specifically in your family</p> <p>8 you spoke with or what the substance of that</p> <p>9 conversation was; is that right?</p> <p>10 A. Well, I mean, I know that it was about that my</p> <p>11 grandmother was scared to death, and that she was having</p> <p>12 all sorts of, you know, anxiety issues since they were</p> <p>13 right outside her house. So, it could have been my</p> <p>14 grandmother. It could have been one of my uncles.</p> <p>15 Could have been a cousin. Could have been my dad. I</p> <p>16 just don't remember.</p> <p>17 But I know there was a lot of conversations that</p> <p>18 took place that day. Because you had them sitting</p> <p>19 outside the farm in Sibley, Iowa, and sitting outside</p> <p>20 the farm in Tulare, along with going around to, like I</p> <p>21 said, every farm with the last name of Nunes.</p> <p>22 Q. So, there were a lot of conversations that day,</p> <p>23 you're saying?</p> <p>24 A. I just remember that, you know. And probably at</p> <p>25 the time, there probably -- it probably would have</p>

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<p style="text-align: right;">Page 110</p> <p>1 been -- you know, at that point our security protocol</p> <p>2 would have taken off and we were probably making sure</p> <p>3 that we're ensuring the safety of my family.</p> <p>4 Q. Were there any discussions about responding to</p> <p>5 the article through the media at all?</p> <p>6 A. No, I don't talk to fake news.</p> <p>7 Q. What about talking to whatever you would</p> <p>8 consider real news?</p> <p>9 A. No, I don't -- no, I don't think -- I don't</p> <p>10 believe we did any interviews that day.</p> <p>11 Q. Was there discussion about responding in the</p> <p>12 media of your choice?</p> <p>13 A. No, we don't search out -- we don't seek out</p> <p>14 media.</p> <p>15 Q. Did there eventually come a time where you did</p> <p>16 give interviews or did make public statements about the</p> <p>17 article?</p> <p>18 A. I mean, not that I can recall. But, I mean, you</p> <p>19 know, at that time it's -- it's election season, I'm</p> <p>20 going around, and I'm sure everybody's asking me about</p> <p>21 it, so I can't remember if -- I'm sure local radio asked</p> <p>22 me about it. I don't know, I think local television</p> <p>23 came out, but we didn't talk to them.</p> <p>24 And then, of course, all the harassment that</p> <p>25 started from that day forward, and continues to today.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Did you suggest that they engage Mr. Biss?</p> <p>2 A. No, not that I remember.</p> <p>3 Q. Did they -- did you refer them to Mr. Biss?</p> <p>4 A. I wouldn't think so, because I think they</p> <p>5 already knew who my lawyer was, so it wouldn't have been</p> <p>6 hard for them to reach out to him.</p> <p>7 Q. Did they have a pre-existing relationship with</p> <p>8 him, so far as you knew?</p> <p>9 A. With Mr. Biss?</p> <p>10 Q. Yes.</p> <p>11 A. I don't think so. You ask him that.</p> <p>12 Q. So, they didn't ask you for any recommendations</p> <p>13 of a lawyer?</p> <p>14 A. Not that I remember. But, I mean, there's -- I</p> <p>15 think it would have been self-explanatory, if I'm hiring</p> <p>16 a lawyer, that that would probably be who my family</p> <p>17 would go to first to see if they were interested in it,</p> <p>18 but I'm just speculating.</p> <p>19 Q. Did they ask you for Mr. Biss' contact</p> <p>20 information?</p> <p>21 A. I don't remember.</p> <p>22 Q. Do you know how they first learned to get in</p> <p>23 touch with him?</p> <p>24 A. No, I do not. I'm not sure why that's relevant,</p> <p>25 but you can keep asking the questions.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Did your family ask you what you were going to</p> <p>2 do about it, after the article came out?</p> <p>3 A. No, I don't recall any conversations I had. At</p> <p>4 that time, there was a lot going on, and, you know, I</p> <p>5 wouldn't even recall. Like I said, I just told you I</p> <p>6 know what happened the next day because I remember CNN</p> <p>7 coming around to all the farms, like I just explained to</p> <p>8 you.</p> <p>9 Q. Do you remember any other conversations that you</p> <p>10 had with your family members that related to the article</p> <p>11 before you filed your lawsuit?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Do you recall whether or not you had such</p> <p>14 conversations?</p> <p>15 A. I'm sure that I did, but I don't remember what</p> <p>16 conversations I had. It would have been with my dad, I</p> <p>17 know that he wanted to get it retracted, and you guys</p> <p>18 refused to do it. And that's all -- that's what I</p> <p>19 remember about that.</p> <p>20 Q. Did he seek your advice about how to go about</p> <p>21 getting it retracted?</p> <p>22 A. No, he got a lawyer.</p> <p>23 Q. And by that lawyer, are you referring to</p> <p>24 Mr. Biss?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Did they ask you about your experience with</p> <p>2 Mr. Biss?</p> <p>3 A. Not that I remember.</p> <p>4 Q. Given the fact that you had been using him as a</p> <p>5 lawyer, did they ask you what you thought of his legal</p> <p>6 expertise?</p> <p>7 A. I don't remember any conversations like that;</p> <p>8 nor do I know why it's even relevant. But I know that</p> <p>9 you and Hearst and others have been smearing Mr. Biss,</p> <p>10 lots of fake news stories on Mr. Biss. The guy was</p> <p>11 living a nice life until he -- until I became his</p> <p>12 client, and then the guy's been smeared.</p> <p>13 And I'm sure you guys have coordinated with it</p> <p>14 because I've read your little quotes to the fake news</p> <p>15 that you guys give out.</p> <p>16 Q. So, I'm not sure whether or not you responded to</p> <p>17 my question or not, so I'm just going to ask it again.</p> <p>18 Did your family members ask you about your --</p> <p>19 about your experience with Mr. Biss and about his</p> <p>20 experience representing you?</p> <p>21 A. I just answered the question.</p> <p>22 Q. I just heard you talk about smears and all that.</p> <p>23 What was your answer to that question, what's the answer</p> <p>24 to that question?</p> <p>25 A. Not that I -- not that I would recall.</p>

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<p style="text-align: right;">Page 114</p> <p>1 Q. Okay.</p> <p>2 A. And I really don't know why this is even</p> <p>3 relevant. Why are you asking questions about a lawyer?</p> <p>4 Q. Well, unfortunately, the process is,</p> <p>5 Congressman, that I ask the questions during this</p> <p>6 deposition. You've been named as a fact witness on a</p> <p>7 number of areas in this case, and it does relate to the</p> <p>8 case.</p> <p>9 A. Well, I've done lots of depositions myself, and</p> <p>10 I've never once targeted the witness' lawyer.</p> <p>11 Q. With all due respect, Congressman, as you noted</p> <p>12 earlier, you have not reviewed all the filings and the</p> <p>13 orders and are not familiar with the proceedings in the</p> <p>14 case, so I think you'll just have to leave it to us that</p> <p>15 we are pursuing a line of questioning that is</p> <p>16 appropriate. Your lawyer's here and he can object when</p> <p>17 and if he thinks that it is appropriate to do so and to</p> <p>18 take issues up before the court.</p> <p>19 A. Well, I can object myself, and I'm telling you</p> <p>20 that I'm objecting to asking questions about my lawyer</p> <p>21 or what I think of my lawyer. That's a bizarre line of</p> <p>22 questioning and it's totally inappropriate.</p> <p>23 Q. I understand your opinion, and I understand your</p> <p>24 position.</p> <p>25 A. No, I think it's fact, and I think if you're</p>	<p style="text-align: right;">Page 116</p> <p>1 to argue with you --</p> <p>2 A. I'm not arguing --</p> <p>3 Q. I'm going to ask my questions.</p> <p>4 A. I'm not arguing, but if you want to ask</p> <p>5 questions about my legal counsel and my feelings about</p> <p>6 legal counsel and how somebody got a lawyer, how</p> <p>7 somebody didn't get a lawyer, then you can go to the</p> <p>8 judge. Because I've seen what you've been doing to</p> <p>9 Mr. Biss, I've seen it in the public.</p> <p>10 So, you want to call the judge? Go ahead, I'll</p> <p>11 take a break if I'm around.</p> <p>12 Q. We've already been to the judge, Congressman.</p> <p>13 So, I'm going to -- I'm going to ask you -- I'm going to</p> <p>14 continue with my questions.</p> <p>15 Do you know why your family chose Mr. Biss as</p> <p>16 opposed to any other lawyer to represent them in this</p> <p>17 case?</p> <p>18 A. I can sit here, if you would like, or I can</p> <p>19 pontificate with you, but you say you didn't want to</p> <p>20 argue, but this is a totally inappropriate line of</p> <p>21 questioning. And if you want, I'm willing to wait, if</p> <p>22 you want to call the judge, and if the judge orders me</p> <p>23 to answer questions that are insane like this about</p> <p>24 continuing to smear my lawyer and my family's lawyer,</p> <p>25 I'm just not going to participate in your conspiracy</p>
<p style="text-align: right;">Page 115</p> <p>1 going to continue this, you know, then you probably</p> <p>2 ought to call up the judge. Asking me questions about</p> <p>3 the qualifications of what people think of a lawyer?</p> <p>4 That's insanity.</p> <p>5 Q. So, do you know why your family retained</p> <p>6 Mr. Biss?</p> <p>7 A. To sue you, which they did, and that's why I'm</p> <p>8 here. They first wanted the story retracted, which I</p> <p>9 already explained to you, and you refused to do it. And</p> <p>10 now you have me before this deposition, to where</p> <p>11 you're -- you participated in the smearing of Mr. Biss,</p> <p>12 both in public and in the courts and with the judges,</p> <p>13 you and all your cohorts.</p> <p>14 So, it's a totally inappropriate question to ask</p> <p>15 about my legal counsel, or my family's legal counsel,</p> <p>16 and you know that it's totally privileged. And like I</p> <p>17 said, I've participated in dozens and dozens of</p> <p>18 depositions, and never once have I ever targeted the</p> <p>19 witnesses' lawyers.</p> <p>20 Q. Congressman, I'm not targeting your lawyer. You</p> <p>21 are mischaracterizing the nature of my questions.</p> <p>22 They're very straightforward questions and appropriate</p> <p>23 questions.</p> <p>24 A. No, they're not appropriate --</p> <p>25 Q. I'm not going to argue with you. I am not going</p>	<p style="text-align: right;">Page 117</p> <p>1 theories.</p> <p>2 Q. I'm not going to call the court, and I'm not</p> <p>3 trying to smear your lawyer. I'm asking you a simple</p> <p>4 question:</p> <p>5 Do you know why your family chose Mr. Biss as</p> <p>6 opposed to any other lawyer to represent them in this</p> <p>7 case?</p> <p>8 A. No, I do not.</p> <p>9 Q. How did you meet Mr. Biss?</p> <p>10 A. I don't remember.</p> <p>11 Q. Does Mr. Biss represent you in all of your</p> <p>12 defamation cases?</p> <p>13 MR. BISS: What does that matter, Jon?</p> <p>14 THE WITNESS: Who cares?</p> <p>15 BY MR. DONNELLAN:</p> <p>16 Q. You can answer the question, Congressman.</p> <p>17 A. Look, I'm objecting to this line of questioning.</p> <p>18 You, for one, I mean, you're playing stupid. You know</p> <p>19 he represents me in all this, and I know you're not a</p> <p>20 dumb guy. So, you know that he represents me in all my</p> <p>21 cases, so why are you asking me a question that you</p> <p>22 already know the answer to, that I've already explained</p> <p>23 to you is totally inappropriate, very unusual, very</p> <p>24 bizarre.</p> <p>25 And you just said you're not going to go to the</p>

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<p style="text-align: right;">Page 118</p> <p>1 judge, so stop asking me about my lawyer and stop 2 smearing Mr. Biss, which maybe you haven't, but your 3 minions have smeared Mr. Biss. I've read the stories, 4 plenty of them. 5 Q. Thank you for answering my question that he 6 represents you in all your libel cases; I appreciate 7 that. 8 Do you know who is paying him to represent your 9 father, your mother, and their farm in this case? 10 A. No. 11 Q. Do you know if he's being compensated for his 12 work in this case? 13 A. Look, you're going -- you can go right to the 14 judge. I'm done. I'm done with it. I've heard enough. 15 This is totally inappropriate. You know it's 16 inappropriate. And obviously you've been out on the 17 Twitter sewer and reading all the articles, because you 18 can read on Twitter all the time, who's funding the 19 lawsuits, who's funding the lawsuits. There's all sorts 20 of stories about it. 21 So, you know, you're a lawyer, this is 22 inappropriate questioning, so this will be -- look, I 23 want to get to other lines of questioning so I can get 24 this over with today, but if you continue, I am going to 25 hang up.</p>	<p style="text-align: right;">Page 120</p> <p>1 went once. 2 MR. DONNELLAN: Well, I will answer [sic] my 3 question, and if he does not want to answer the 4 questions, he can refuse to answer them, you can direct 5 him not to answer, and then we will go to the judge and 6 we will take them up, but I'm going to make my record 7 with the questions, and you and your client can take 8 whatever positions you wish on the record. 9 But I'm being very clear that this is not an 10 inappropriate line of questioning for this case and it 11 has been a matter that has been taken up with the court 12 previously, and if we need to take it up with the court 13 again, we will. 14 MR. BISS: Right, and let me just make my 15 position crystal clear. This is nothing but harassment. 16 There is no issue in this case that it can possibly be 17 relevant to. There's no claim for attorney fees, 18 there's no issue whatsoever, and you've never 19 articulated any reason. 20 We have gone to the judge already, and using his 21 crystal ball, he told you it's not relevant, so 22 that's -- 23 MR. DONNELLAN: No, no, no, no, Steve, we -- 24 look, let's not get into an argument on the record here, 25 but the judge specifically said this was an appropriate</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Well, I can't stop you from hanging up. 2 A. Yeah, and you're going to go to the judge, 3 because your questions are totally inappropriate, and 4 you know they're inappropriate. And you know that the 5 smearing that your people have been doing talking to 6 your other buddies in the media, smearing my lawyer, is 7 also totally inappropriate. 8 So, you know, whatever your conspiracy theory 9 is, are you the one that's on Twitter putting all that 10 out there, or are they giving you the questions to ask 11 who's paying for my family's lawsuits? Which I'm pretty 12 sure the judge already told you that you can't ask those 13 questions. 14 Q. That's incorrect. And if you'll note, your 15 lawyer has not raised a single objection because this is 16 a totally appropriate line of questioning that has been 17 addressed with the court. So, you can say -- 18 MR. BISS: I haven't -- 19 MR. DONNELLAN: -- everything that you wish -- 20 (Speaking simultaneously) 21 MR. BISS: I haven't objected yet, but I'm just 22 telling you that you can ask whatever questions you 23 want, but I think he's made his position clear, he's not 24 going to be answering them. If you want go to the judge 25 on these, you can go to the judge again. We already</p>	<p style="text-align: right;">Page 121</p> <p>1 line of questioning for the Congressman, and that's why 2 we're pursuing it and that's why we have waited until 3 this late date in the discovery process to have this 4 opportunity, and we're going to pursue this line of 5 questioning. 6 And if you want to object, or if you want to 7 direct him not to answer, you can do so, and then we 8 will go back to the court again. So, that's fine with 9 me. 10 MR. BISS: (Speaking simultaneously.) 11 MR. DONNELLAN: You want to do it the long way 12 or the short way, it really doesn't matter to me, it's 13 your choice. 14 MR. BISS: We're probably going to stop at some 15 point in time. You can ask him questions about whether 16 he knows anything about how the plaintiffs are paying 17 for the lawsuit, which he's already answered, he said he 18 didn't know, but when you start asking him questions 19 about the funding of other lawsuits, there's no question 20 that that's pure harassment, and we're just not going to 21 entertain it. We're not going to -- this is just 22 another Hearst media stunt and we're not going to -- not 23 even going to entertain it for a second. 24 So, just to be crystal clear, you can go as 25 slowly, or you can go as quickly as you want, get to</p>

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<p style="text-align: right;">Page 122</p> <p>1 something that's important in the case. It's up to you.</p> <p>2 MR. DONNELLAN: Well, it's already been deemed</p> <p>3 by the court an appropriate line of questioning. And as</p> <p>4 you well know from our other appearances before Judge</p> <p>5 Roberts, and from the local law, that relevance and</p> <p>6 harassment are not grounds to instruct the witness not</p> <p>7 to answer a question or to refuse to answer a question.</p> <p>8 If you want to --</p> <p>9 MR. BISS: I'm not --</p> <p>10 MR. DONNELLAN: -- (speaking simultaneously)</p> <p>11 that's fine.</p> <p>12 MR. BISS: I'm not, for a moment, going to put</p> <p>13 myself in jeopardy with the magistrate judge or the</p> <p>14 district court, so the witness is not going to hear me</p> <p>15 instruct him not to answer, but he's intelligent enough</p> <p>16 to know the issues. He's already told you he doesn't</p> <p>17 think it's relevant, so he can make up his own mind, I'm</p> <p>18 not going to tell him what to do.</p> <p>19 MR. DONNELLAN: Well, he doesn't know enough</p> <p>20 about the case to make a determination as to relevance.</p> <p>21 He is not the judge in the case, and I am not going to</p> <p>22 explain to him how I am -- you know, what the purpose is</p> <p>23 for asking specific questions. That's inappropriate, to</p> <p>24 expect me to do that.</p> <p>25 So, I'm going to ask my questions, and respond</p>	<p style="text-align: right;">Page 124</p> <p>1 shock me. I'll probably age a whole year on the video.</p> <p>2 So, go ahead, ask your questions.</p> <p>3 BY MR. DONNELLAN:</p> <p>4 Q. Congressman, do you know if Mr. Biss is being</p> <p>5 compensated for his work on this case for your family?</p> <p>6 A. I don't know -- I already answered the question</p> <p>7 and I already told you that I don't know anything about</p> <p>8 that case as it relates to Mr. Biss, how they got him,</p> <p>9 the funding, anything.</p> <p>10 And so -- but like what I do know, and I'll</p> <p>11 follow up on this, and hopefully the court can review</p> <p>12 this, because you have been engaged in participating in</p> <p>13 a complete smear operation of my lawyer and my legal</p> <p>14 strategy and who's paying the lawsuits. So -- so, you</p> <p>15 know, I'm not going to play into that. That's why</p> <p>16 you're fake news, that's why I'm not going to answer the</p> <p>17 question, because I've never even heard of such a thing</p> <p>18 and I don't know how any of that could even be relevant.</p> <p>19 Q. Do you know if Mr. Biss is representing your</p> <p>20 family on a pro bono basis?</p> <p>21 MR. BISS: Asked and answered.</p> <p>22 THE WITNESS: I have no --</p> <p>23 BY MR. DONNELLAN:</p> <p>24 Q. Do you know if Mr. Biss' representation of your</p> <p>25 family is covered by a retainer agreement?</p>
<p style="text-align: right;">Page 123</p> <p>1 as you wish, you can make the instructions or objections</p> <p>2 that you wish, we'll make the record, and if we need to</p> <p>3 go back to the court with this, we'll go back to the</p> <p>4 court. These are very straightforward issues which we</p> <p>5 have already been around the horn on.</p> <p>6 MR. BISS: The truth is, you can't explain to</p> <p>7 the witness why it's relevant. That's the truth.</p> <p>8 Because you know it's not relevant. You know it.</p> <p>9 That's why you can't explain it. If you could explain</p> <p>10 it, you would, you would be fair with him, you'd be up</p> <p>11 front with him and you'd be forthcoming, you would</p> <p>12 explain to him, here's why it's relevant, and you would</p> <p>13 give him a fair opportunity. But you're not going to do</p> <p>14 that because you know it's not relevant.</p> <p>15 (Speaking simultaneously).</p> <p>16 MR. DONNELLAN: Nice try baiting me, Steve, to</p> <p>17 disclose my legal strategy in the case, but I'm not</p> <p>18 going to do it.</p> <p>19 MR. BISS: Well, again, I'll just follow up on</p> <p>20 that. I don't think you have a legal strategy here. At</p> <p>21 all. We know your other strategy, but I don't think you</p> <p>22 have a legal strategy here. I think you're just trying</p> <p>23 to -- to get some kind of sound bite to satisfy the</p> <p>24 trolls. That's what you're doing.</p> <p>25 But I'll tell you what, if that happens, it'll</p>	<p style="text-align: right;">Page 125</p> <p>1 A. I've already answered the question.</p> <p>2 Q. I asked you different questions. I didn't ask</p> <p>3 you that question.</p> <p>4 MR. BISS: You already asked how. He said he</p> <p>5 didn't know. That's the same question.</p> <p>6 MR. DONNELLAN: I asked if. It's different.</p> <p>7 Q. Do you know whether or not there is an</p> <p>8 engagement letter between your family and Mr. Biss?</p> <p>9 A. Like I told you, I'm not playing into your sick</p> <p>10 world and your sick line of questioning meant to -- line</p> <p>11 of questions with the fake news stories that you put</p> <p>12 out.</p> <p>13 So, you can keep asking the questions, I've</p> <p>14 already told you, I've already answered all this. I</p> <p>15 don't know anything about it, nor would I. Just like I</p> <p>16 didn't know anything about the farm in Iowa and had no</p> <p>17 management piece of, and hadn't been on a -- run a farm</p> <p>18 in 20 years and been involved with my family.</p> <p>19 But you guys proceeded to write a fake news</p> <p>20 story about it, which you refuse to take down. And now</p> <p>21 you're playing into your other fake news fantasies and</p> <p>22 conspiracy theories that you -- the same people that are</p> <p>23 targeting my family, that harassed my family and why</p> <p>24 they have to have security, and why my family here has</p> <p>25 to have security, are the same people you're feeding</p>

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<p style="text-align: right;">Page 126</p> <p>1 with your nonsense about who's paying for lawsuits.</p> <p>2 So, just keep asking, keep asking your</p> <p>3 questions, but it's -- this is totally inappropriate.</p> <p>4 Q. So, just to be clear, you don't know?</p> <p>5 A. I do not.</p> <p>6 Q. You're not aware of any -- you do not, okay.</p> <p>7 Have you had any communications with your family</p> <p>8 at all about their retaining Mr. Biss to represent them</p> <p>9 in the lawsuit?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Do you know why there is a reluctance to</p> <p>12 disclose the terms of the engagement of Mr. Biss in this</p> <p>13 lawsuit?</p> <p>14 MR. BISS: Object to the form.</p> <p>15 BY MR. DONNELLAN:</p> <p>16 Q. What's your answer, Congressman?</p> <p>17 A. I've already answered the question.</p> <p>18 Q. No, you didn't answer that question. I asked</p> <p>19 you if you know why there's a reluctance to disclose the</p> <p>20 terms of your family's engagement of Mr. Biss in this</p> <p>21 lawsuit. You haven't answered that question.</p> <p>22 A. How would I know? It's not my case.</p> <p>23 Q. So, you don't know.</p> <p>24 A. I said it's not my case. How would I know?</p> <p>25 Q. That's different from not knowing. Do you know</p>	<p style="text-align: right;">Page 128</p> <p>1 So, like I said, you're getting to the end of</p> <p>2 the rope here on this because it's offensive and -- and</p> <p>3 it's -- and you're just -- we're going to have to go to</p> <p>4 the judge.</p> <p>5 BY MR. DONNELLAN:</p> <p>6 Q. Mr. Nunes, tell me everything you know, every</p> <p>7 fact that you know about the defendants in this case</p> <p>8 smearing you after publication of the article.</p> <p>9 A. How about when your -- when your [REDACTED],</p> <p>10 Lizza, goes out and Tweets about it every time I'm in</p> <p>11 the news and he re-ups the article? How about -- why</p> <p>12 don't we just start there. How about Hearst putting it</p> <p>13 back up? How about Hearst not taking it down?</p> <p>14 How about the fact of you smearing me on this --</p> <p>15 during this interview by, you know, going after</p> <p>16 agriculture and farming with all your conspiracy</p> <p>17 theories, when you and your owners and your family</p> <p>18 probably have -- if you follow your logic, there must be</p> <p>19 illegals running around all over the place, right near</p> <p>20 by here. You want me to go find out?</p> <p>21 Because if I take your logic and I go to ICE to</p> <p>22 have them look at your employees that you guys are</p> <p>23 employing -- because if I track your logic, you know,</p> <p>24 supposedly everybody in agriculture, I guess, is hiring</p> <p>25 illegals. That's what you continue to say. But if you</p>
<p style="text-align: right;">Page 127</p> <p>1 or not?</p> <p>2 A. I'm not going to play word games with you. I</p> <p>3 don't know.</p> <p>4 Q. I'm trying to take evidence for a case,</p> <p>5 Mr. Congressman. You have a job to do. I have a job to</p> <p>6 do --</p> <p>7 MR. BISS: Don't argue with him, don't argue</p> <p>8 with him, just get on with --</p> <p>9 MR. DONNELLAN: I'm not arguing with him. I'm</p> <p>10 explaining --</p> <p>11 MR. BISS: Yes, you are.</p> <p>12 MR. DONNELLAN: I'm not.</p> <p>13 MR. BISS: You're giving him a speech.</p> <p>14 THE WITNESS: And I've already explained to you</p> <p>15 the reason why that this line of questioning is totally</p> <p>16 inappropriate, because it plays into the smearing that</p> <p>17 you're continuing to do of me, and you're participating</p> <p>18 in it by asking questions about who's funding lawsuits.</p> <p>19 And don't play stupid, because you know that you</p> <p>20 and your team and all your minions are all writing about</p> <p>21 this and you're all secretly talking to the media, and</p> <p>22 that's why this is all out there, this whole fake news</p> <p>23 story about who's paying for lawsuits, when you know</p> <p>24 damn well that as a U.S. citizen, that everybody has the</p> <p>25 right to retain counsel, and that's all privileged.</p>	<p style="text-align: right;">Page 129</p> <p>1 would like, you know, maybe you guys should -- maybe you</p> <p>2 should implement E-Verify at the Hearst ranch and</p> <p>3 winery, since you seem so concerned about it.</p> <p>4 Q. Mr. Nunes, you have made repeated references now</p> <p>5 during the course of this deposition to how Hearst</p> <p>6 ranching operations in California should be</p> <p>7 investigated. Do you have any knowledge of any facts</p> <p>8 that would suggest that there is any employment of</p> <p>9 undocumented laborers at any Hearst operations?</p> <p>10 A. What I told you -- I did not say that. That's</p> <p>11 not what I said. But what I'm referring to is, that you</p> <p>12 know, with the line of questioning that you're asking,</p> <p>13 you're accusing farmers, agriculture, you must have</p> <p>14 asked it 25 different ways, that somehow there's</p> <p>15 illegals running around everywhere.</p> <p>16 And all I'm doing is applying your logic to your</p> <p>17 own company and your family members, who are some of the</p> <p>18 wealthiest people, biggest land owners in California,</p> <p>19 that are from my area. So, if you're so sure of it, all</p> <p>20 I said is, why didn't you send Lizza there. I'm not</p> <p>21 accusing them of anything, like you do, like Lizza did,</p> <p>22 like Hearst did, and refuse to take it down.</p> <p>23 So, there's no accusations going on, all I'm</p> <p>24 saying is, is that you wrote what was supposedly a</p> <p>25 factual story, and it's all a bunch of nonsense, and you</p>

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<p style="text-align: right;">Page 130</p> <p>1 know it. And all you've done -- and now you're going on</p> <p>2 this weird line of questioning about who's paying for</p> <p>3 lawsuits.</p> <p>4 Q. So, you have no facts about any undocumented</p> <p>5 workers working for Hearst; is that right?</p> <p>6 A. Only the facts that you -- only the facts that</p> <p>7 you've tried to state with your broad brush statement.</p> <p>8 So, if I apply what you've said and your logic to it,</p> <p>9 then you should have just interviewed the Hearst family.</p> <p>10 Q. Okay. Did you encourage your family to file</p> <p>11 this suit?</p> <p>12 A. You already asked the questions.</p> <p>13 Q. The answer is you don't recall or no?</p> <p>14 A. No.</p> <p>15 Q. Did you suggest it to them?</p> <p>16 A. No. Look, you're doing this again.</p> <p>17 Q. It's what lawyers do, Mr. Nunes, they ask</p> <p>18 questions.</p> <p>19 Last year there was an ethics complaint filed</p> <p>20 against you concerning the funding of lawsuits; is that</p> <p>21 right?</p> <p>22 A. I get ethics complaints filed against me all the</p> <p>23 time by the same people you coordinate with.</p> <p>24 Q. And last year there was one filed against you</p> <p>25 for failure to disclose your funding of your defamation</p>	<p style="text-align: right;">Page 132</p> <p>1 you'd like to go to the Eighth Circuit and apologize,</p> <p>2 apologize to the federal judge for the lies that you</p> <p>3 said when you said you were just doing a little origin</p> <p>4 story on me, but yet that's not what the e-mails show</p> <p>5 and the contacts show from your own reporter, if you'd</p> <p>6 like to go apologize, we'll go back to court and you can</p> <p>7 depose me all day long, multiple times, whatever you</p> <p>8 want to do.</p> <p>9 But if you're going to start to get into bogus</p> <p>10 ethics complaints, personal attacks on me, who's paying</p> <p>11 for things, nice try, but I know what you're planning on</p> <p>12 doing is leaking this out to your buddies.</p> <p>13 Q. I just -- I just want to know whether you're</p> <p>14 familiar with the ethics complaints I referenced or not.</p> <p>15 A. I don't keep track of frivolous ethics</p> <p>16 complaints.</p> <p>17 Q. Is that --</p> <p>18 A. I ignore them, you guys write fake stories on</p> <p>19 them, then ultimately they end up where you ask me in a</p> <p>20 deposition, of which I'm not even a party to, about --</p> <p>21 but it sounds like -- if you want to be, I told you,</p> <p>22 we'll -- you can go apologize to the federal court for</p> <p>23 lying.</p> <p>24 Q. So, you are not familiar with an ethics</p> <p>25 complaint filed last year that you failed to disclose</p>
<p style="text-align: right;">Page 131</p> <p>1 lawsuits, correct?</p> <p>2 A. I have no idea. There's so many, I can't keep</p> <p>3 track.</p> <p>4 Q. Oh, is that a fact? Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. So, you're not familiar with that ethics</p> <p>7 complaint?</p> <p>8 A. They're all frivolous complaints, every single</p> <p>9 one of them. They're all frivolous. So, I can make up</p> <p>10 anything, just like you made up about me and my family,</p> <p>11 and I can take it and file it with the ethics. So, if</p> <p>12 you think that I'm going to give you anything on this</p> <p>13 when you're filing -- when you're asking me about</p> <p>14 frivolous lawsuits that you could get anybody in your</p> <p>15 company just to go make them up -- which you guys have</p> <p>16 done with some of your partners that have actually filed</p> <p>17 a lot of these, a lot of these frivolous ethics</p> <p>18 complaints.</p> <p>19 Q. Congressman, it's not about giving me anything,</p> <p>20 it's just about your obligation to tell us what you</p> <p>21 know, which you are sworn to do --</p> <p>22 A. You're asking me now -- no, no, no, I'm sworn to</p> <p>23 ask [sic] questions about this case, and if it's</p> <p>24 relevant to this case. You're now starting to ask me</p> <p>25 questions about -- that goes directly to me. So, if</p>	<p style="text-align: right;">Page 133</p> <p>1 payments for legal services?</p> <p>2 A. I already told you the answer.</p> <p>3 Q. No, you didn't?</p> <p>4 A. Bring up all the frivolous ethics complaints you</p> <p>5 want, but if you continue to go down this line of</p> <p>6 questioning, I'm just -- it's going to end.</p> <p>7 Q. With all due respect, Congressman, you're under</p> <p>8 an obligation to provide answers to factual questions to</p> <p>9 the best of your knowledge. And I'm asking you, once</p> <p>10 again --</p> <p>11 A. I am not under obligation --</p> <p>12 (Speaking simultaneously)</p> <p>13 THE WITNESS: I'm under no obligation to answer</p> <p>14 questions that are not relevant to this case.</p> <p>15 BY MR. DONNELLAN:</p> <p>16 Q. These are relevant to this case.</p> <p>17 (Speaking simultaneously)</p> <p>18 MR. BISS: No, it's not, Jon. Jon, let's move</p> <p>19 on, he's not going to answer the question. Move on to</p> <p>20 the next question.</p> <p>21 (Speaking simultaneously)</p> <p>22 MR. BISS: We're going to go to the judge. Make</p> <p>23 your record, let's go, come on, make your record.</p> <p>24 MR. DONNELLAN: That's fine.</p> <p>25 Q. Are you refusing to answer that question?</p>

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<p style="text-align: right;">Page 134</p> <p>1 A. I've already answered the question.</p> <p>2 Q. You said you don't keep track of them. I'm</p> <p>3 asking you if you have knowledge about --</p> <p>4 A. I don't keep track of them, which would mean I</p> <p>5 don't have knowledge of them. I'd have to go and review</p> <p>6 them all 'cause there's so many.</p> <p>7 Q. Okay, so you don't have knowledge. Thank you</p> <p>8 for that answer. Thank you for that answer, that</p> <p>9 responds to my question, I appreciate that.</p> <p>10 Did you review drafts of your family's complaint</p> <p>11 before they filed it?</p> <p>12 A. No.</p> <p>13 Q. Have you ever reviewed the complaints in their</p> <p>14 lawsuit?</p> <p>15 A. Not that I -- the only thing that I can recall</p> <p>16 is reading the decision by the judge, I think I read</p> <p>17 that.</p> <p>18 Q. Have you read any other -- any other pleadings</p> <p>19 or documents relating to the case at all that you can</p> <p>20 recall now?</p> <p>21 A. Not that -- not that I recall. I only recall</p> <p>22 reading the decision by the judge on this case to move</p> <p>23 forward.</p> <p>24 Q. There's been a number of decisions. Do you</p> <p>25 recall which decision --</p>	<p style="text-align: right;">Page 136</p> <p>1 A. No.</p> <p>2 Q. Tell me what conversations you've had with your</p> <p>3 father regarding the lawsuit or the issues in this</p> <p>4 lawsuit that you can recall, please, since it was filed.</p> <p>5 A. You've already asked me those questions, and I</p> <p>6 think I've already answered them.</p> <p>7 Q. I don't believe that I asked you specifically</p> <p>8 about it since it was filed. We were talking about</p> <p>9 pre-filing.</p> <p>10 A. I don't know. In general, that he wanted the</p> <p>11 story taken down. And I remember him -- you know, I</p> <p>12 remember when he said, I think he told me, I don't</p> <p>13 remember the date or the time, but that he had sent you</p> <p>14 guys a letter, and you didn't do anything about it, and</p> <p>15 it left him no choice but to file this lawsuit because</p> <p>16 of the constant harassment that he's under, and his</p> <p>17 family, when my brother and his niece -- and his</p> <p>18 granddaughter was out there.</p> <p>19 Q. And that was a conversation that took place</p> <p>20 after the filing?</p> <p>21 A. I don't know about after the filing. I don't</p> <p>22 know if it was before or after, during. I have no idea.</p> <p>23 It's been two years ago.</p> <p>24 Q. How often would you say that you discuss with</p> <p>25 your father the lawsuit and the issues raised by the</p>
<p style="text-align: right;">Page 135</p> <p>1 A. The initial decision when my case got moved and</p> <p>2 I had to appeal it to the Eighth Circuit, and I read</p> <p>3 the, I think at the same time, roughly the same day,</p> <p>4 that other decision came out where this one went past</p> <p>5 and into this discovery phase.</p> <p>6 Q. That was the decision denying the motion to</p> <p>7 dismiss?</p> <p>8 A. I think that's what you would call it, yes.</p> <p>9 Q. All right, have you told me about all of the</p> <p>10 conversations with your family that you can recall</p> <p>11 concerning this lawsuit that took place prior to its</p> <p>12 filing?</p> <p>13 A. Yes, that I can recall.</p> <p>14 Q. Have you discussed the lawsuit with your family</p> <p>15 at all since it was filed?</p> <p>16 A. I'm sure that I have, but not to any great</p> <p>17 extent.</p> <p>18 Q. And who was it who you discussed it with, was it</p> <p>19 your father --</p> <p>20 A. I told you, my father, a few times.</p> <p>21 Q. How about your brother?</p> <p>22 A. No.</p> <p>23 Q. And your mother?</p> <p>24 A. No.</p> <p>25 Q. Your sister? I'm sorry, your sister-in-law.</p>	<p style="text-align: right;">Page 137</p> <p>1 lawsuit?</p> <p>2 A. Not very often. I'm not sure why -- is this</p> <p>3 relevant, as to why I talk to my father about a lawsuit?</p> <p>4 Q. You can assume that all of my questions are</p> <p>5 relevant.</p> <p>6 A. Well, I know they're not relevant, but you can</p> <p>7 continue to ask questions.</p> <p>8 Q. Did you discuss with your father the retention</p> <p>9 of experts in this case?</p> <p>10 A. I don't know if I -- no, I don't think so. I</p> <p>11 know that I -- I know that I talked to Mr. Buskirk in my</p> <p>12 case, and I think he talked to -- and I think Mr. Biss</p> <p>13 contacted Mr. Buskirk. And I believe, although I'm not</p> <p>14 sure, but I think he had agreed to be an expert.</p> <p>15 Q. So, you were not the one who connected your</p> <p>16 family with Mr. Buskirk; is that right?</p> <p>17 A. No, I did not ever have -- I don't think I ever</p> <p>18 had a conversation at all about any experts or anything</p> <p>19 with -- as it relates to this case.</p> <p>20 Q. Just to be clear, you never called Mr. Buskirk</p> <p>21 and asked him to serve as an expert for your family?</p> <p>22 A. I talked to Mr. Buskirk about if he was</p> <p>23 interested in my case specifically. And I can't</p> <p>24 remember if it was about my family or not, but I'm sure</p> <p>25 maybe it was both, in terms of the -- about being an</p>

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<p style="text-align: right;">Page 138</p> <p>1 expert witness. But there would have been not for --</p> <p>2 that was not -- that would be not my decision to make.</p> <p>3 That would ultimately be them and Mr. Biss, as it</p> <p>4 relates to their case.</p> <p>5 But I do know for a fact that I talked to</p> <p>6 Mr. Buskirk about being an expert witness potentially in</p> <p>7 my case at one point, but that's been quite a long time</p> <p>8 ago. And then I would have introduced Mr. Buskirk to</p> <p>9 Mr. Biss.</p> <p>10 Q. What led you to reach out to Mr. Buskirk as an</p> <p>11 expert witness?</p> <p>12 A. Because he's highly respected and I think he's</p> <p>13 one of the best in the business, in the business of</p> <p>14 journalism, journalism and editing.</p> <p>15 Q. Did you consider any other experts?</p> <p>16 A. No, I think I just had a conversation with him.</p> <p>17 And then when he expressed an interest, that's when I</p> <p>18 passed him off to Mr. Biss. Because I don't know</p> <p>19 exactly what -- I don't -- I'm not steeped enough in</p> <p>20 defamation law and experts, so I have no idea if this is</p> <p>21 something that -- that -- where Mr. Buskirk would meet</p> <p>22 the qualifications for an expert witness.</p> <p>23 So, I wouldn't be the one that would even know</p> <p>24 how to go about doing that, but I know that I trust him,</p> <p>25 he's a good journalist and editor, and then that's why</p>	<p style="text-align: right;">Page 140</p> <p>1 You said criminal lawyer.</p> <p>2 MR. DONNELLAN: Well, he is a criminal lawyer.</p> <p>3 Want me to rephrase the question?</p> <p>4 THE WITNESS: No, I don't need you to rephrase</p> <p>5 it, because I don't know what this is even about.</p> <p>6 BY MR. DONNELLAN:</p> <p>7 Q. That's fine.</p> <p>8 A. But I know that -- I mean, it just sounds like</p> <p>9 you said criminal lawyer, which I don't have any --</p> <p>10 which I wouldn't know, because I don't know about</p> <p>11 anything with the operations of -- of the farm.</p> <p>12 Q. That's fine.</p> <p>13 Have you had any discussions with your family</p> <p>14 relating to information obtained from the Social</p> <p>15 Security Administration relating to NuStar employees?</p> <p>16 A. No.</p> <p>17 Q. I'm going to ask you about some conversations</p> <p>18 that you may have had with Mr. Biss, but I want to be</p> <p>19 clear, I'm not asking about any requests for legal</p> <p>20 advice that you made or any legal advice that he</p> <p>21 provided to you, only about discussions that you may</p> <p>22 have had about factual matters.</p> <p>23 MR. BISS: Jon, I'm going to instruct him not to</p> <p>24 answer --</p> <p>25 THE WITNESS: Wait, wait.</p>
<p style="text-align: right;">Page 139</p> <p>1 he -- that's why I made the introduction, asked him if</p> <p>2 he was interested and made the introduction to Mr. Biss.</p> <p>3 Q. And when you spoke with him, did you talk with</p> <p>4 him about your case?</p> <p>5 A. Oh, he's well aware of the case. I mean,</p> <p>6 everybody's familiar with the -- with the fake news hit</p> <p>7 piece that you did, and how you went around and targeted</p> <p>8 people.</p> <p>9 Q. Have you ever had any discussions with your</p> <p>10 family relating to depositions of their employees?</p> <p>11 A. No.</p> <p>12 Q. Have you ever had discussions with your family</p> <p>13 about the appointment of criminal counsel for those</p> <p>14 employees by the court?</p> <p>15 A. No.</p> <p>16 MR. BISS: What did you call it? Did you call</p> <p>17 it criminal counsel?</p> <p>18 MR. DONNELLAN: Yeah.</p> <p>19 MR. BISS: That's not accurate.</p> <p>20 MR. DONNELLAN: He's a criminal lawyer.</p> <p>21 MR. BISS: You should retract that. That's not</p> <p>22 accurate at all.</p> <p>23 MR. DONNELLAN: It's under the criminal justice</p> <p>24 act.</p> <p>25 MR. BISS: That's not what you said, though.</p>	<p style="text-align: right;">Page 141</p> <p>1 MR. BISS: Hold on.</p> <p>2 THE WITNESS: You're going to ask me questions</p> <p>3 about questions I had with my lawyer?</p> <p>4 MR. DONNELLAN: Yes.</p> <p>5 MR. BISS: I'm going to instruct him not to</p> <p>6 answer any of these questions, so you can go ahead and</p> <p>7 ask him for the record.</p> <p>8 MR. DONNELLAN: That's fine, I'll ask him.</p> <p>9 Q. Did Mr. Biss tell you that depositions of</p> <p>10 NuStar's employees were going to take place?</p> <p>11 A. I'm not answering any questions about my</p> <p>12 conversations with my lawyer, other than what I've</p> <p>13 already told, you which is that I gave you a date for my</p> <p>14 deposition, you didn't want to do it, you moved it to</p> <p>15 now, and here we are.</p> <p>16 Q. Congressman, just so the record is clear, we</p> <p>17 requested your deposition months ago. Mr. Biss told us</p> <p>18 that the only date that you had available was the very</p> <p>19 last day of discovery, which was a Sunday. And then</p> <p>20 based on the fact that you were not available to appear</p> <p>21 in Washington, D.C., where the deposition was noticed,</p> <p>22 but only in the state of California, we agreed to move</p> <p>23 it to a weekday for everybody's convenience. But the</p> <p>24 date was --</p> <p>25 A. Actually, that's not how I recall it. I was</p>

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<p style="text-align: right;">Page 142</p> <p>1 notified that you wanted me to give a deposition, to 2 which I said, sure, no problem, to. The problem was the 3 only time that I had was actually a Saturday, I believe 4 I gave you a Saturday and a Sunday, and I accommodated 5 you to do it on a Sunday. 6 And then when you said you didn't want to do it 7 that day, then I said that I could do it, and I gave you 8 the two dates that I gave you. And I'm sure the whole 9 issue with the Washington, D.C. thing was just a 10 miscommunication. So, I hope you're not trying to smear 11 me or my lawyer again. 12 Q. I'm not trying to smear you, Congressman, or 13 Mr. Biss. All I'm saying is that we -- the deposition 14 dates were to accommodate your schedule, we waited 15 months. We would have done it much earlier on any day 16 and we repeatedly requested days in June and July. 17 So -- 18 A. Well, I gave you the date that I had, 'cause the 19 only dates that I did have in July, which I don't think 20 you would have wanted to do, but it would have been the 21 weekend of Fourth of July. And then I did not have 22 another date available until the Saturday and Sunday. 23 So, I just want to make sure that you're aware, 24 nobody's dodging you, nobody's afraid of you, nobody's 25 afraid of your silly conspiracy theory questions about</p>	<p style="text-align: right;">Page 144</p> <p>1 And I asked you before if your family -- 2 A. But I'm not going to -- but I just want to make 3 sure, I'm not answering questions about conversations 4 that I'm having with Mr. Biss. 5 Q. Well, Your Honor, you're certainly entitled to 6 refuse, you know, invoke the attorney/client privilege, 7 and so is your counsel, with respect to conversations 8 relating to legal advice, but not with respect to 9 factual matters, and that's all I'm asking about. 10 I'm not asking about his representation of you 11 with respect to your case against Hearst, or about the 12 provision of legal advice. I'm asking about 13 conversations or discussions you may have had on factual 14 matters relating to the NuStar case. 15 A. Okay. 16 Q. All right? 17 Did Mr. Biss ever tell you about information 18 obtained from the Social Security Administration 19 relating to NuStar and its employees? 20 MR. BISS: Yeah, we're not answering any 21 questions relating to the communications between me and 22 my client. So, ask the questions, his answer's going to 23 be -- 24 MR. DONNELLAN: No, no, no. 25 MR. BISS: His answer's going to be that he's</p>
<p style="text-align: right;">Page 143</p> <p>1 who's funding lawsuits or not. So, I just want to make 2 sure it's clear on the record that I wasn't trying to do 3 anything but cooperate with you to do a deposition. 4 And so, I just don't like the tone of how you 5 said you had to wait. It was all done in accordance 6 with what was available, the dates that were available. 7 Q. Well, you're -- I thank you for that 8 clarification. I just wanted you to be clear that we 9 were not, you know, trying to delay or defer your 10 deposition, that we in fact, you know, were cooperating 11 with Mr. Biss. So, I think that we can agree that there 12 was good faith on both sides and here we are today. 13 A. Okay. 14 Q. All right, so again, to go back to -- and I'll 15 make the questions; if you want to refuse to answer, 16 that's fine, but I'm going to ask you the questions if 17 you had any factual discussions not relating to your 18 case against Hearst, and not relating to legal advice, 19 but whether or not you had any discussions with Mr. Biss 20 about the appointment of counsel for employees of 21 NuStar. 22 A. I already answered that question. I didn't even 23 know anything about this. I don't know anything about 24 NuStar farm operations. 25 Q. So, the answer is no.</p>	<p style="text-align: right;">Page 145</p> <p>1 going to follow my advice. I'm instructing him not to 2 answer any questions that you pose to him that require 3 him to divulge our communications, whether it's related 4 to any case that he is directly or indirectly involved 5 in at all, or any other matter. 6 We're not going to give you any opportunity to 7 attempt to pierce the veil of the attorney/client 8 privilege, under no circumstances are we going to give 9 you any opportunity. 10 MR. DONNELLAN: All right. 11 MR. BISS: So, I do want to clear up your 12 record, but I want to make sure you're very clear, that 13 you can ask it as many times, but we are invoking the 14 attorney/client privilege. 15 MR. DONNELLAN: Well, this is what I want, I 16 want a clear record, Steve. 17 So, just so we are clear, you are invoking the 18 attorney/client privilege with respect to conversations 19 you had with the Congressman concerning the NuStar case 20 and facts relating to that case? 21 MR. BISS: Yes. 22 THE WITNESS: I'm invoking the attorney/client 23 privilege on any -- any conversations that I had with my 24 lawyer. Because it's not that I want to be -- I want 25 the record to reflect, I want to answer your questions,</p>

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<p style="text-align: right;">Page 146</p> <p>1 because there's no (indiscernible) there anyway. But</p> <p>2 once -- I've been around long enough, I know -- you</p> <p>3 know, you think that you and Hearst think, oh, they're</p> <p>4 just a bunch of dumb farmers and, you know, people are</p> <p>5 really stupid out here at the farm and they're running</p> <p>6 around, you know, hiring illegals. I get that, so I</p> <p>7 know your position.</p> <p>8 But I'm not going to get in a position where all</p> <p>9 of a sudden, then, you get to have all conversations</p> <p>10 with any lawyer that I've ever had. So, it's a slippery</p> <p>11 slope, you know it, and I'm not going to fall for your</p> <p>12 game.</p> <p>13 BY MR. DONNELLAN:</p> <p>14 Q. Congressman Nunes, have there been any</p> <p>15 conversations that you have engaged in, without telling</p> <p>16 me anything about their substance, that included you,</p> <p>17 your father or your brother, and Mr. Biss?</p> <p>18 A. No.</p> <p>19 Q. Just to clarify some of your testimony before,</p> <p>20 so I know that you've testified that you don't know</p> <p>21 about the operations of NuStar, and haven't had</p> <p>22 discussions with your family about that. Does that</p> <p>23 include the financial performance of NuStar?</p> <p>24 A. I would not know anything about NuStar's</p> <p>25 operations, financial, anything. Other than, like I</p>	<p style="text-align: right;">Page 148</p> <p>1 able to find lots of the text. Because all the -- all</p> <p>2 the Tweets, all the comments, they're all still there,</p> <p>3 and they live on. And then people will call the office,</p> <p>4 people make death threats. So, the damages are -- are</p> <p>5 very, very high.</p> <p>6 Q. And is there -- you did describe earlier that</p> <p>7 the threats that you just made reference to. Is there</p> <p>8 anything else in terms of specificity that you can add</p> <p>9 to that, other than what you've already testified to?</p> <p>10 A. Well, I mean, I -- like I said, we're under</p> <p>11 constant -- we have constant security protocol, we're</p> <p>12 under constant -- we have constant problems. And that's</p> <p>13 not -- that's also my family in Iowa, so we have to</p> <p>14 notify them. I just told you the ones that I'm aware</p> <p>15 of.</p> <p>16 So, you know, between the direct -- those are</p> <p>17 what I would call direct threats. Then you have ones</p> <p>18 that, you know, they're -- that you maybe don't deem</p> <p>19 they're harassment, but not -- not maybe life</p> <p>20 threatening, not trespassing, not that kind of thing.</p> <p>21 And then, of course, you have the constant online</p> <p>22 harassment of my family online, making reference to me</p> <p>23 and secret farms and all kind of crazy, you know, the</p> <p>24 crazy story that -- that's right here, that I'm holding</p> <p>25 up, the one that you still have online. You can just go</p>
<p style="text-align: right;">Page 147</p> <p>1 told you, I was out there when they first were looking</p> <p>2 at purchasing it, and that's the only substantive</p> <p>3 conversation that I've had that I could -- that I</p> <p>4 recall.</p> <p>5 Q. Have you had any conversations with your family</p> <p>6 members about the damages that they've suffered, or</p> <p>7 alleged to have suffered as a result of the Esquire</p> <p>8 article?</p> <p>9 A. Well, I don't know about conversations, but --</p> <p>10 specifically as it relates to the case, but I can tell</p> <p>11 you about -- I've already explained to you the damages</p> <p>12 that are severe about the security of my family and the</p> <p>13 safety of my family in Iowa and California because of</p> <p>14 this article, and it continues to this day.</p> <p>15 So, the damages are very, very high, from my</p> <p>16 perspective. But, you know, I can only tell you that,</p> <p>17 you know, just -- you know, of course I already</p> <p>18 mentioned, but people showing up out there at the farm</p> <p>19 trespassing, Antifa specifically, is really, really,</p> <p>20 really, really bad. And it's -- and it's wrong, and</p> <p>21 it's your fault, and there's a lot of damages.</p> <p>22 I don't know how you calculate those damages,</p> <p>23 but the damages continue to roll up every single day</p> <p>24 that goes by. Because you can get online right now,</p> <p>25 which I'm sure you're not going to do, and you will be</p>	<p style="text-align: right;">Page 149</p> <p>1 on there and read the comments, on your own story on</p> <p>2 your own website.</p> <p>3 Q. Any other information you have that relates to</p> <p>4 damages that you wanted to state?</p> <p>5 A. I mean, look, I think you've got a lot of --</p> <p>6 there's a lot of damages to be incurred. And it's not</p> <p>7 just -- it's me, it's my family, it's -- it's my staff,</p> <p>8 it's my relatives that just live nearby here. And of</p> <p>9 course, my nieces and my sister-in-law, my mom. So,</p> <p>10 yeah, there's -- this has taken a big toll on all of my</p> <p>11 family, specifically targeting businesses that I have</p> <p>12 nothing to do with.</p> <p>13 That's where the real damage comes in because,</p> <p>14 you know, you can say what you want about elected</p> <p>15 officials and whether or not they're fair game, I think</p> <p>16 that's a debate that needs to be had, that we're having</p> <p>17 right now, or I'm having with you in the Eighth Circuit.</p> <p>18 And, of course, I'm having it with other fake news media</p> <p>19 companies.</p> <p>20 But taking private individuals, specifically</p> <p>21 that I have nothing -- no involvement in, and putting</p> <p>22 your reporters out there on their farms, coordinating</p> <p>23 other reporters to go out there, is not only</p> <p>24 unprecedented and unwarranted, but it's sick and</p> <p>25 demented. And so, the damages are very, very high and</p>

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<p style="text-align: right;">Page 150</p> <p>1 they continue to escalate by every Tweet, every mention, 2 every death threat. 3 And look, and I'm going to say this on the 4 record, there -- you know, at some point, you guys keep 5 doing this, somebody in my family or my staff is going 6 to get killed. I'll repeat it again: Somebody on -- in 7 my family, possibly me or my staff, are going to get 8 killed, or my supporters are going to get killed because 9 of what you are doing, you Hearst, by not taking this 10 down. 11 Q. Congressman, have you ever reviewed the -- and 12 I -- I believe that we can move through these questions 13 pretty quickly based on answers you've given before, but 14 I appreciate you answering them. 15 Have you ever reviewed the farm's I-9 records? 16 A. No. 17 Q. Have you ever reviewed the I.D. cards for 18 workers? 19 A. No. On what, as it relates to -- as it relates 20 to NuStar -- 21 Q. Yes. 22 A. -- or I-9 records in the past -- 23 Q. Yes, all of this relates to NuStar. 24 A. No, I have not. 25 Q. Okay. Have you ever reviewed workers' social</p>	<p style="text-align: right;">Page 152</p> <p>1 the specific employees who used to work for NuStar that 2 you're referring to? 3 A. No, I don't know them. I just know they 4 contacted me through -- I don't know if it was through 5 my office or staff or what. 6 Q. Have -- 7 A. Maybe I do know -- actually, I think I do know 8 one of them, because I think it was somehow related -- I 9 don't remember his name, but he was related somehow to 10 my sister-in-law. 11 Q. Okay, did you speak with any of them? 12 A. I did not. I just got -- it was related to me, 13 I'm guessing via my office somehow. 14 Q. And they reached out to your office? 15 A. Oh, yeah, they reached out to figure out why 16 goons pretending to be law enforcement were running 17 around Tulare County asking questions about me. So, I 18 think they were concerned for my safety. I don't 19 think they -- I'm guessing you were there because it had 20 something to do with my family, I don't know, but you 21 ought to stop it. 22 Q. Did you refer them to your family? 23 A. No, I did not. 24 Q. Are you aware of the processes that your 25 brother, your father, and NuStar followed to ensure that</p>
<p style="text-align: right;">Page 151</p> <p>1 security cards at NuStar? 2 A. No. 3 Q. Do you know anything about any of the specific 4 employees who have worked at NuStar over the years? 5 A. The only ones that I know are the ones you sent 6 your goons out here, to Tulare, so people that used to 7 work for my family, and you sent goons out here to 8 harass them at their house. So, I know about some of 9 those. They're former employees that were harassed by 10 you. 11 I'm assuming that's because of this case and I 12 assume that's the reasoning you're using, but -- but 13 yeah. So, now you're actually harassing my constituents 14 here in my own district, because they used to work for 15 my family. 16 Q. Because they worked for your family at NuStar? 17 A. I don't know where -- I don't know when or where 18 they worked, I don't know. 19 Q. Okay. 20 A. I just know that I think I've had at least 21 two -- at least two or three that I know of were 22 contacted by your goons that you sent to harass, asking 23 questions about my family, that are here right in my 24 district. 25 Q. And so, who are the -- do you know the names of</p>	<p style="text-align: right;">Page 153</p> <p>1 they don't hire unauthorized workers? 2 A. Well, nobody, like I told you earlier, nobody's 3 hiring unauthorized workers. That's a total lie. 4 And -- and you know it's a lie. And you shouldn't 5 even -- you're making wild accusations about agriculture 6 and farming. We went through this already for two 7 hours. So, I can repeat it again if you would like, but 8 the bottom line is, that any accusations against 9 farmers, business people, anybody that's employing 10 anyone, that they're hiring illegals, is just flat out 11 wrong and nonsense. 12 Because you have to -- there is no way for 13 people to know, the way it works, you cannot 14 discriminate against people, whether it's my office or 15 any other business. So, the hiring practices that my 16 family at least had when I was involved with that 17 entity, was very sound and it matches every other 18 business operation in America that I'm familiar with. 19 Q. Congressman, just to be clear, the bill that I 20 referred to earlier today, which you co-sponsored, 21 rested on the premise that workers who were being 22 provided a pathway to being in the country illegally had 23 been in the country working unlawfully for years in 24 agriculture. And that was one of the policy issues that 25 I had hoped to speak with you about that you didn't seem</p>

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<p style="text-align: right;">Page 154</p> <p>1 to have a recollection of.</p> <p>2 But in any event, the question that I just asked</p> <p>3 you did not suggest that your family hired undocumented</p> <p>4 workers, it simply asked if you were aware of the</p> <p>5 processes that your brother, father, and NuStar followed</p> <p>6 to ensure that they don't hire unauthorized workers.</p> <p>7 Are you familiar with the processes?</p> <p>8 A. I told you, I am familiar with the process that</p> <p>9 -- because, of course, I used to work with my family</p> <p>10 many years ago, so I'm quite sure that it wouldn't have</p> <p>11 changed, I'm sure they're following the same -- the same</p> <p>12 rules and regulations that they've always followed.</p> <p>13 But it's you that made the insinuation in this</p> <p>14 article that they were not following that process, that</p> <p>15 they were -- that they were hiring people that were</p> <p>16 undocumented, that they were doing something nefarious.</p> <p>17 That's you that made those -- well, not you, but Lizza</p> <p>18 made those. And don't forget, even misrepresented the</p> <p>19 whole story to everybody else that was -- that he spoke</p> <p>20 to.</p> <p>21 So, I only know what my family -- what processes</p> <p>22 they followed. My guess is that they probably do it,</p> <p>23 even a lot better today than they ever have in the past.</p> <p>24 Q. So, what was the process that was followed on</p> <p>25 your family farm that you're familiar with back when you</p>	<p style="text-align: right;">Page 156</p> <p>1 I don't know any friends, I don't know anybody,</p> <p>2 other than the two that I told you that I remember</p> <p>3 specifically because they involved the DACA situation.</p> <p>4 And other than that, I have a constituent service that</p> <p>5 we offer, that is obviously a privilege for obvious</p> <p>6 reasons, but those are people who are dealing with visas</p> <p>7 and things of that nature.</p> <p>8 Q. And when you were managing the farm and you</p> <p>9 would do the -- and you would get the social security</p> <p>10 card and the photo I.D., would you make photocopies of</p> <p>11 those for your files?</p> <p>12 A. I don't remember. I don't remember if we did or</p> <p>13 not. I don't remember that, but -- I think I had to</p> <p>14 review it, I think I had to look at it and make sure it</p> <p>15 was the right person, and get the social security</p> <p>16 number, card, and then they had to fill out a form, and</p> <p>17 then I would give it to my grandmother.</p> <p>18 Q. And would you fill out the I-9 form as the</p> <p>19 manager?</p> <p>20 A. I don't remember. That's been 20 years ago. I</p> <p>21 don't even remember if it was an I-9 form, to be honest</p> <p>22 with you.</p> <p>23 Q. Would you review the cards to see whether or not</p> <p>24 they were genuine?</p> <p>25 A. Yeah, I mean you had to -- well, not if they're</p>
<p style="text-align: right;">Page 155</p> <p>1 were still working there with your father and your</p> <p>2 brother?</p> <p>3 A. Back when I was running the farm, this was --</p> <p>4 I'm not specifically talking about -- this would be</p> <p>5 my -- this would be my family's original farm, my</p> <p>6 grandmother's farm, which I was managing for her, we had</p> <p>7 to get, usually a social security form -- card, and a</p> <p>8 form or two of photo I.D.</p> <p>9 Q. Okay.</p> <p>10 A. And then they have to fill out, I believe it was</p> <p>11 called an I-9, I can't -- I don't want to give you the</p> <p>12 wrong name. And they would have to do that before they</p> <p>13 could get paid, before they would start working or get</p> <p>14 paid. And that's how every single business does it,</p> <p>15 probably exactly like the Hearst family and Hearst</p> <p>16 winery and the Hearst ranches that are in my area too.</p> <p>17 I would never run around accusing farmers of, or any</p> <p>18 business for that matter, of hiring illegals like you</p> <p>19 guys did.</p> <p>20 It's practically impossible that you could ever</p> <p>21 even hire somebody illegal because you would never know</p> <p>22 'Cause like I said, I don't know anybody who's illegal.</p> <p>23 I've worked with people in agriculture, you know, before</p> <p>24 I went to Congress, my whole life. Not one person ever</p> <p>25 came up to me and said, oh, I'm illegal. Not one.</p>	<p style="text-align: right;">Page 157</p> <p>1 genuine, you have to accept them. I mean, I guess if</p> <p>2 you looked at a card and it had a picture of Ryan Lizza</p> <p>3 on it, and it wasn't of whoever's applying for the job,</p> <p>4 then -- then, you know, you could challenge it at that</p> <p>5 point.</p> <p>6 But I don't know, I don't ever remember that</p> <p>7 happening. Somebody gives you a card, and it's their</p> <p>8 picture, you have to accept that as -- as real, 'cause</p> <p>9 it's what they're giving you. And it would be illegal</p> <p>10 otherwise, discriminate against those people. Anybody</p> <p>11 that you're hiring, you can't challenge their -- their</p> <p>12 identification that they give you.</p> <p>13 Q. And back when you were manager of the farm and</p> <p>14 before you went to Congress, who was it who advised you</p> <p>15 that you could not challenge somebody based on the</p> <p>16 identification that they provided you?</p> <p>17 A. You know, I'm assuming that I learned that</p> <p>18 through just going to seminars and things of that</p> <p>19 nature, I would guess. But you cannot -- but it's</p> <p>20 been -- it's very, very clear that you cannot challenge</p> <p>21 somebody based on, you know, their ethnicity or whether</p> <p>22 or not they speak English. That has always been made</p> <p>23 perfectly clear to me.</p> <p>24 We still, even in my office today, we don't</p> <p>25 discriminate against people. If somebody applies for a</p>

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<p style="text-align: right;">Page 158</p> <p>1 job at my office, and if they happen to be from a</p> <p>2 foreign country and they don't speak English, I don't --</p> <p>3 I absolutely do not question them and say, are you a</p> <p>4 legal citizen.</p> <p>5 Q. So, if somebody who is in the country without</p> <p>6 authorization obtains counterfeit documents, how is one</p> <p>7 to enforce the immigration laws if they can't be</p> <p>8 questioned about it?</p> <p>9 A. Well, they can't be questioned by the employer,</p> <p>10 that's for sure.</p> <p>11 Q. So, employers are obligated to accept whatever</p> <p>12 documents are put in front of them?</p> <p>13 A. That's the way that I -- that's the way that I</p> <p>14 have been -- that's the way that I've always operated.</p> <p>15 I mean, I know how your reporter likes to racially</p> <p>16 profile and target Hispanics. So, maybe when you apply</p> <p>17 for a job at Hearst, maybe you guys do that, but you</p> <p>18 cannot discriminate against somebody because they're a</p> <p>19 different color or because they don't speak English very</p> <p>20 well.</p> <p>21 Because like I said, you have no -- you have no</p> <p>22 idea. You know, your fabrications, your fabricated</p> <p>23 story, running around accusing people of hiring</p> <p>24 illegals -- like I told you, nobody knows who's in this</p> <p>25 country illegally or not, and you can't even -- you have</p>	<p style="text-align: right;">Page 160</p> <p>1 country that is illegal, except for the two, but I</p> <p>2 don't -- I lost track, (indiscernible) two, the cases</p> <p>3 that I handled.</p> <p>4 Q. So, the only way to learn if somebody's illegal</p> <p>5 is if they volunteer that information --</p> <p>6 A. That would be correct.</p> <p>7 Q. -- right?</p> <p>8 A. As far I know. As it relates to an</p> <p>9 employer/employee relationship, absolutely.</p> <p>10 THE REPORTER: I need to take a break.</p> <p>11 MR. DONNELLAN: Very good.</p> <p>12 VIDEO OPERATOR: We are now going off the</p> <p>13 record. The time is 3:07 p m.</p> <p>14 (Recess taken.)</p> <p>15 VIDEO OPERATOR: We're now back on the record.</p> <p>16 The time is 3:19 p m.</p> <p>17 BY MR. DONNELLAN:</p> <p>18 Q. Congressman, do you have knowledge of Hearst or</p> <p>19 Lizza republishing the article?</p> <p>20 A. Yeah, it's in my lawsuit. You can read it right</p> <p>21 there.</p> <p>22 Q. Well, can you tell us in your own words what</p> <p>23 your personal knowledge is --</p> <p>24 A. Yeah, he re-Tweeted it a couple times, with a</p> <p>25 link to the article. I think Hearst actually put it</p>
<p style="text-align: right;">Page 159</p> <p>1 no way to find out. I mean, we have -- probably two</p> <p>2 million of them are going to come across the border this</p> <p>3 year.</p> <p>4 Q. Is it your position that all agricultural</p> <p>5 workers are in this country legally and authorized to</p> <p>6 work in this country?</p> <p>7 A. As far as I know that is the position, but you</p> <p>8 cannot ask.</p> <p>9 Q. But as a matter of fact, is that what you</p> <p>10 believe to be the case, that all of the workers are in</p> <p>11 fact --</p> <p>12 A. Well, you're going after agriculture again,</p> <p>13 which I -- which is totally unacceptable. We already</p> <p>14 went over this. Every industry in this country is</p> <p>15 hiring people exactly the same way. So, if you want to</p> <p>16 target agriculture, you can go ahead and indict your own</p> <p>17 company, if you would like, but that line of questioning</p> <p>18 indicts your own company.</p> <p>19 So, I don't believe that, from what I know of,</p> <p>20 other than what you're telling me, that the Hearst</p> <p>21 family, by your questioning, must be hiring people that</p> <p>22 are illegal because they have huge agricultural</p> <p>23 holdings, so I guess I'll have to apply that to you</p> <p>24 specifically.</p> <p>25 But as I told you, I don't know anyone in this</p>	<p style="text-align: right;">Page 161</p> <p>1 out, too.</p> <p>2 Q. Anything else?</p> <p>3 A. Well, I think that's bad enough.</p> <p>4 Q. Do you know any of Ryan Lizza's sources for the</p> <p>5 article?</p> <p>6 A. I'm assuming he doesn't have any because it's</p> <p>7 all a lie.</p> <p>8 Q. Do you know who the first source was who was</p> <p>9 closely -- who was cited as being closely connected to</p> <p>10 the Hispanic community?</p> <p>11 A. I don't know any of the sources; nor do I think</p> <p>12 -- nor do I believe the sources. And I think it's a</p> <p>13 little freaky that he was going around talking to some</p> <p>14 young Guatemalan boy in a bowling alley, whatever the</p> <p>15 hell he wrote.</p> <p>16 So, yeah, targeting, he was doing -- it looks</p> <p>17 like all he was doing was targeting, finding anybody who</p> <p>18 was brown in Sibley, and interviewing them and running</p> <p>19 up to them and asking them if they know me.</p> <p>20 Q. Do you know the unnamed farmers cited in the</p> <p>21 article with whom Lizza spoke?</p> <p>22 A. No, I do not.</p> <p>23 Q. Do you have any information about what any of</p> <p>24 them said to Lizza?</p> <p>25 A. No. The only one that I know, but I don't</p>

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<p style="text-align: right;">Page 162</p> <p>1 know -- I just know -- I know the family, but I can't</p> <p>2 think of his name right now, but I think he was</p> <p>3 interviewed. And I heard that from one of his family</p> <p>4 members or something.</p> <p>5 Q. And are you speaking --</p> <p>6 A. But I don't know that that's really his source</p> <p>7 because I don't think the name, as I recall, is actually</p> <p>8 in the story.</p> <p>9 Q. And was this a family member of one of the</p> <p>10 workers or one of the farmers or somebody else?</p> <p>11 A. I just remember somebody that knew him said that</p> <p>12 Lizza had talked to him. But I don't know -- I don't</p> <p>13 know the guy. But I just know the guy lives somewhere</p> <p>14 in Nebraska or Iowa somewhere.</p> <p>15 Q. Okay, and you had a conversation with their</p> <p>16 family member directly?</p> <p>17 A. I don't remember who. I just remember hearing</p> <p>18 it at the time, he was potentially a source.</p> <p>19 Q. What else were you told during that</p> <p>20 conversation?</p> <p>21 A. Well, I don't know if I'm getting pieces of</p> <p>22 conversations, but as we said at the beginning of this</p> <p>23 interview, this is a large agricultural area, everybody</p> <p>24 talks. So, this story goes round and round and round</p> <p>25 and round, and then you start to hear, oh, yeah, that</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Do you know anyone at Hearst?</p> <p>2 A. Other than your family that's in California, I</p> <p>3 don't think so. I mean, I'm sure -- I forget all the</p> <p>4 companies that you own. I'm sure I must know reporters</p> <p>5 or editors that work for you. But I think you have,</p> <p>6 what, 20 or 30 different news sites?</p> <p>7 I know I've met some of the Hearst family</p> <p>8 members in this part of California, central California,</p> <p>9 but that's been a long time, and I don't know exactly</p> <p>10 which ones they are. I just know they're involved in</p> <p>11 the farming and the ranching side of the business, but I</p> <p>12 don't know if that's under Hearst Corporation or</p> <p>13 separate.</p> <p>14 (Exhibit 47 was marked for identification by the</p> <p>15 court reporter and is attached hereto.)</p> <p>16 BY MR. DONNELLAN:</p> <p>17 Q. Congressman, have you received Exhibit 47? It's</p> <p>18 an article from The Federalist, DX-47.</p> <p>19 A. Yes, okay, yeah, I got it.</p> <p>20 Q. If you take a look at the last page, you'll see</p> <p>21 that the author is Molly Hemingway, a senior editor at</p> <p>22 The Federalist.</p> <p>23 A. Okay, I'm familiar with the story because we</p> <p>24 used it in my lawsuit against you.</p> <p>25 Q. Okay. And do you know Molly Hemingway?</p>
<p style="text-align: right;">Page 163</p> <p>1 was so-and-so's cousin that lives in Iowa or Nebraska,</p> <p>2 something like that, was one of the sources.</p> <p>3 Q. You don't remember anything --</p> <p>4 A. But I don't know who it was. I just know that I</p> <p>5 remember hearing people state that it was some guy in</p> <p>6 Iowa. I think it starts with a -- it's a Dutch name.</p> <p>7 Q. Have you ever reviewed or seen edits of the</p> <p>8 draft article before it was --</p> <p>9 A. No, I have not.</p> <p>10 Q. Have you ever seen any of Ryan Lizza's notes?</p> <p>11 A. No, I have not.</p> <p>12 Q. Have you ever --</p> <p>13 A. If you have any, I'm looking forward to seeing</p> <p>14 those after the Eighth Circuit rules.</p> <p>15 Q. Have you listened to any of the audio recordings</p> <p>16 of his interviews?</p> <p>17 A. No, I have not.</p> <p>18 Q. Have you ever spoken with Ryan Lizza about the</p> <p>19 article?</p> <p>20 A. No, I have not.</p> <p>21 Q. Have you ever spoken with anyone at Hearst about</p> <p>22 the article?</p> <p>23 A. Not that I'm aware of. It's possible, because</p> <p>24 you guys are a big company, but not that I would -- not</p> <p>25 that I recall.</p>	<p style="text-align: right;">Page 165</p> <p>1 A. I do, yes.</p> <p>2 Q. And do you speak with her?</p> <p>3 A. I mean, occasionally. I used to see her, back</p> <p>4 before COVID I would see her, usually 'cause she does a</p> <p>5 lot for Fox News, and I would see her in the green room.</p> <p>6 Q. And does anybody on your staff speak with her</p> <p>7 also?</p> <p>8 A. I assume people on my staff would, but I don't</p> <p>9 know.</p> <p>10 Q. Did you speak with her about Ryan Lizza's</p> <p>11 article?</p> <p>12 A. No, I did not.</p> <p>13 Q. Did you speak with her before this article was</p> <p>14 published?</p> <p>15 A. No, not before -- this article, the one that's</p> <p>16 in front of me? No, I did not speak to her before. I'm</p> <p>17 trying to think of the last time that I saw her, but</p> <p>18 it's been a while, 'cause we haven't seen very many</p> <p>19 people.</p> <p>20 Q. Your family members are cited in the article on</p> <p>21 page 4 -- actually, on page 5, it says, "Lori Nunes</p> <p>22 confirms." That's in the, one, two, three, four, fifth</p> <p>23 paragraph down.</p> <p>24 On page 3, in the first paragraph, it says a</p> <p>25 family member confirms, and references how they felt.</p>

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<p style="text-align: right;">Page 166</p> <p>1 Did you suggest to her that she speak with your</p> <p>2 family?</p> <p>3 A. I already told you I didn't talk to her.</p> <p>4 Q. Okay.</p> <p>5 A. That I recall. I don't remember talking to her</p> <p>6 when this article was written.</p> <p>7 Q. Have you at any time connected Molly Hemingway</p> <p>8 with members of your family?</p> <p>9 A. Not that I know of. But, you know, just for</p> <p>10 your information, Molly Hemingway's a great journalist,</p> <p>11 along with the work they do at The Federalist, unlike</p> <p>12 what you guys participate in. And they were -- many of</p> <p>13 the real news that's out there, any time that you guys</p> <p>14 would write fake news stories, including all the way up</p> <p>15 to today -- when I say "you guys", meaning the fake news</p> <p>16 conglomerate -- she would -- well, not just</p> <p>17 The Federalist, Molly Hemingway specifically, but a lot</p> <p>18 of other journalists would actually go in and fact</p> <p>19 check.</p> <p>20 So, this would not be unusual at all, for them</p> <p>21 to fact check the fake news that was going around.</p> <p>22 Especially back in that time, back in 2018, when I had</p> <p>23 people like Lizza who were preying on my family and</p> <p>24 putting -- showing up at their farm, and then writing</p> <p>25 fake news stories about them.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Did you know that Representative King had been</p> <p>2 to the farm?</p> <p>3 A. I don't -- I think so, probably. I don't know</p> <p>4 if it's the farm or if -- or in Sibley at a meeting or</p> <p>5 something, but I know they would -- I know that he would</p> <p>6 see them occasionally.</p> <p>7 Q. He's also quoted as saying that they have been</p> <p>8 to political events with King. What do you know about</p> <p>9 that?</p> <p>10 A. Nothing, other than it wouldn't be unusual for</p> <p>11 my parents to go, I'm guessing, to some -- I know when</p> <p>12 local officials come through there, they go to the</p> <p>13 events, like any good citizens would do.</p> <p>14 Q. Did you ever make arrangements for them to</p> <p>15 attend political events with Representative King?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you ever attend such events with him?</p> <p>18 A. I never -- with my family?</p> <p>19 Q. Yes.</p> <p>20 A. No, I never went to -- not -- in Iowa?</p> <p>21 Q. Correct.</p> <p>22 A. No, I have never -- not that I can recall, did I</p> <p>23 ever go to a political event with my family. I went</p> <p>24 with -- but I will say that I went with -- I went and</p> <p>25 did an event for Steve King and toured his district</p>
<p style="text-align: right;">Page 167</p> <p>1 So, it's not an unusual article, other than just</p> <p>2 to -- it talks about how you guys wrote a ridiculous</p> <p>3 fake news piece.</p> <p>4 Q. If you take a look at page 2, in the final two</p> <p>5 paragraphs, which relate to statements from Steve King,</p> <p>6 and in particular, the last paragraph which quotes</p> <p>7 former Congressman King, he says there (as read):</p> <p>8 "I've been to visit their dairy</p> <p>9 farm. They have been to political</p> <p>10 events with me."</p> <p>11 What do you know about his visit to the dairy</p> <p>12 farm?</p> <p>13 A. I don't know anything about his visit to the</p> <p>14 dairy farm, but I think I remember saying he ran --</p> <p>15 every once in a while, he was my colleague for a long</p> <p>16 time, and he would tell me when he would run into my</p> <p>17 family somewhere. I mean, it's a small -- so, any time</p> <p>18 he came through the town, I'm sure he would see them. I</p> <p>19 don't know specifically about any visit to a farm.</p> <p>20 Q. Were you and Representative King ever at NuStar</p> <p>21 at the same time?</p> <p>22 A. No, we were not. But since you ask, we also</p> <p>23 didn't conspire together with my family to hide some big</p> <p>24 secret. But you guys somehow made that up, fabricated</p> <p>25 the story that somebody fed you.</p>	<p style="text-align: right;">Page 169</p> <p>1 many, many years ago. And it's a fake news story that</p> <p>2 you brought up, that somehow that was a conspiracy</p> <p>3 theory -- a conspiracy, that him and I were colluding</p> <p>4 together to keep all the illegals and all the Mexicans</p> <p>5 and brown people, people that didn't speak English and</p> <p>6 Guatemalan boys that Lizza liked to see, that somehow we</p> <p>7 conspired for years to keep that a secret, as Lizza said</p> <p>8 in his story.</p> <p>9 In fact, the opposite is the truth, when I went</p> <p>10 out there, it was advertised, we had a big town hall</p> <p>11 with him or, you know, some type of listening session</p> <p>12 that we had. Matter of fact, I was very proud of the</p> <p>13 fact to say that I just had a family member who was just</p> <p>14 born, because I was there for my niece's baptism. So,</p> <p>15 it must have been, gosh, 10, 11 years ago, something</p> <p>16 like that, 12 years ago.</p> <p>17 So, your whole story is fake and phoney and you</p> <p>18 ought to pull it down, and you should know -- and you</p> <p>19 should know that. So, there was no hiding, no nothing,</p> <p>20 you guys just made that up out of thin air with whoever</p> <p>21 fed that story. Because I don't even think you guys</p> <p>22 made it up, I think somebody gave it to you, and -- you</p> <p>23 know, and I'd like to know who's -- who paid Lizza.</p> <p>24 Q. Do you know what political events Representative</p> <p>25 King is referencing here when he says that your family</p>

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<p style="text-align: right;">Page 170</p> <p>1 had been to political events with him?</p> <p>2 A. No, I don't know what he's referencing there. I</p> <p>3 just know the one -- the event that I did with him in</p> <p>4 his district and I just gave you the information on</p> <p>5 that.</p> <p>6 Q. Do you have -- do you know anybody at Breitbart?</p> <p>7 A. I mean, like best friends, no. But I know, I</p> <p>8 talk to -- I do interviews with them quite often.</p> <p>9 Q. Did you ever connect your family with anybody at</p> <p>10 Breitbart at any time?</p> <p>11 A. No, not that I'm aware of.</p> <p>12 Q. Lori has testified that she spoke with somebody</p> <p>13 at Breitbart after the article was published. Do you</p> <p>14 know who that was?</p> <p>15 A. I don't know who it was. But like I said, with</p> <p>16 this, on The Federalist article, and any other articles,</p> <p>17 real news in this country, it was actually following and</p> <p>18 trying to get to the facts. Any time there were fake</p> <p>19 news stories, whether it was about me or about the</p> <p>20 Russia hoax that you guys were all involved in with the</p> <p>21 democrats, they would focus hard on going after and</p> <p>22 getting -- and doing fact checking.</p> <p>23 So, the idea that -- I'm not sure, you sound</p> <p>24 offended by the fact that people would do stories about,</p> <p>25 you know, some [REDACTED] that you guys hired, we</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Of Ryan Lizza's what?</p> <p>2 Q. Ryan Lizza's article.</p> <p>3 A. I mean, gosh, back in the day I can't -- I mean,</p> <p>4 I don't even remember. I probably wouldn't have been</p> <p>5 speaking too much about it because it was fake news.</p> <p>6 Like I said, I'm sure I was asked about it on local</p> <p>7 radio interviews that I was doing, but I just don't -- I</p> <p>8 wouldn't recall.</p> <p>9 Q. Do you recall directing anyone in the media to</p> <p>10 your family?</p> <p>11 A. No, I did not.</p> <p>12 Q. Did your family ever ask you to facilitate</p> <p>13 access to the media on their behalf so that they could</p> <p>14 discuss the story?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Have you arranged for family members to visit</p> <p>17 the White House?</p> <p>18 A. What kind of question is that?</p> <p>19 Q. A factual question.</p> <p>20 A. No, I -- no, you don't get to ask questions</p> <p>21 about -- how is that relevant? You go to the judge and</p> <p>22 ask that, did I arrange for family members to go to the</p> <p>23 White House; how is that relevant?</p> <p>24 Q. Are you refusing to answer the question?</p> <p>25 A. I don't see how it's -- first of all, I think</p>
<p style="text-align: right;">Page 171</p> <p>1 don't know who's paying, that would go in and prey on my</p> <p>2 family. So, I'm not sure what you're getting at here,</p> <p>3 but you're welcome to continue asking questions about</p> <p>4 it.</p> <p>5 Q. Did you suggest to anybody at Breitbart that</p> <p>6 they speak with your family?</p> <p>7 A. No, I don't even know -- I'm not even familiar</p> <p>8 right now with the story that you're referring to.</p> <p>9 Q. Do you have any idea how Lori Nunes wound up</p> <p>10 speaking with somebody from Breitbart?</p> <p>11 A. I do not, but I assume somebody called her. It</p> <p>12 wouldn't be hard to -- it's not hard to find them,</p> <p>13 because unlike what you guys wrote, nobody was -- nobody</p> <p>14 was hiding. Nobody was hiding from -- from your [REDACTED]</p> <p>15 [REDACTED] reporter that you sent to stalk my family.</p> <p>16 Nobody hid for decades. Steve king and I weren't</p> <p>17 conspiring to commit federal crimes. That's all a</p> <p>18 figment of your psychopathic imagination, of your</p> <p>19 reporter Lizza and your editors and whoever wrote it.</p> <p>20 And I'd really like to know who paid -- who paid</p> <p>21 Lizza to do it, because I don't think the salary you</p> <p>22 were paying him, and CNN -- I'm sure somebody else was</p> <p>23 paying him, but I guess we'll never know that.</p> <p>24 Q. Who in the media have you spoken to about Ryan</p> <p>25 Lizza's article?</p>	<p style="text-align: right;">Page 173</p> <p>1 that would be privileged under the speech and debate</p> <p>2 clause, but asking about my official capacities in</p> <p>3 Congress and who -- I mean, what are you going to ask</p> <p>4 next, did I ever -- did I ever, you know, get Vladimir</p> <p>5 Putin entrance into the U.S. Congress secretly at</p> <p>6 midnight? I don't know.</p> <p>7 So, I'm not going to -- it's a slippery slope,</p> <p>8 you're asking me about somebody I got into the White</p> <p>9 House. I mean, we get people in the White House all day</p> <p>10 long. In fact, if you called my office and you said</p> <p>11 your name, said who you're with, I'd probably arrange</p> <p>12 one for you. We do that all the time. I mean, other</p> <p>13 than COVID, of course it was closed, but as soon as they</p> <p>14 open up.</p> <p>15 Q. Sir, are you invoking speech and debate clause</p> <p>16 privilege?</p> <p>17 A. I just think it's ridiculous, I mean, what are</p> <p>18 you asking the question for?</p> <p>19 Q. Congressman, you can answer it or you can choose</p> <p>20 not to answer it, but I just want our record to be clear</p> <p>21 and complete.</p> <p>22 A. Okay. Well, I'm sure that over the years that</p> <p>23 I've gotten my family a White House tour. Matter of</p> <p>24 fact, probably -- probably dozens and dozens and dozens</p> <p>25 of family members, I got White House tours for. And</p>

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<p style="text-align: right;">Page 174</p> <p>1 constituents and people related to them. I mean, I</p> <p>2 wouldn't even know the number. It would be -- over the</p> <p>3 last 20 years it would probably be a thousand people,</p> <p>4 maybe more --</p> <p>5 Q. What --</p> <p>6 A. (Speaking simultaneously.)</p> <p>7 Q. Let's put aside White House tours. What about</p> <p>8 events at the White House, did you ever arrange for</p> <p>9 family members to attend an event at the White House?</p> <p>10 A. The only event that I can remember family going</p> <p>11 to would be my wife going to a couple of the White House</p> <p>12 Christmas events. I think there might have been a White</p> <p>13 House, a couple White House picnics, but that would have</p> <p>14 been a long time ago, that would have been in the George</p> <p>15 W. Bush timeframe. So, you're talking, you know, mid to</p> <p>16 late 2000s.</p> <p>17 Q. Do you recall arranging for your father to</p> <p>18 visit -- to attend a White House event?</p> <p>19 A. I don't know why this is relevant. I would -- I</p> <p>20 would guess I did, since you're asking the question.</p> <p>21 But I think I remember my -- I think I do remember,</p> <p>22 because I think my -- the only reason 'cause my -- my</p> <p>23 oldest niece has a picture with George W. Bush that I</p> <p>24 think is in my office, so that must have been at some --</p> <p>25 I don't know, it must have been some White House event</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Yes, it is, it's a document subpoena.</p> <p>2 A. Yeah, I don't remember it. I mean, I remember</p> <p>3 getting it.</p> <p>4 Q. Can you tell me what you did in response to the</p> <p>5 subpoena?</p> <p>6 A. Yeah, I fully complied. I got whatever -- I</p> <p>7 think it was -- I think it asked for -- whatever it</p> <p>8 asked for, I complied with at the time.</p> <p>9 Q. Did you look for documents?</p> <p>10 A. Yes, we did.</p> <p>11 Q. And where did you look?</p> <p>12 A. I had my Twitter account, that I think we talked</p> <p>13 about. And I think there was -- I want to say there was</p> <p>14 an e-mail to -- I don't know if it was from -- I think</p> <p>15 it was Lizza, to my office, or phone call. I don't</p> <p>16 remember. I think we provided those to you.</p> <p>17 Q. And let's put aside what you provided. I just</p> <p>18 want to know where you looked. Where did you look for</p> <p>19 documents?</p> <p>20 A. I looked -- I looked -- all my documents that I</p> <p>21 would have.</p> <p>22 Q. So, let's take that one by one. Do you have --</p> <p>23 do you have multiple e-mail accounts?</p> <p>24 A. I do not -- I do not e-mail.</p> <p>25 Q. You don't do e-mail at all?</p>
<p style="text-align: right;">Page 175</p> <p>1 of some kind.</p> <p>2 Q. And have you done that for other non-family</p> <p>3 members, inviting them to White House events, as opposed</p> <p>4 to tours?</p> <p>5 A. I don't know. I can't -- I wouldn't remember.</p> <p>6 I mean, I'm sure there's some example of somebody that I</p> <p>7 invited, you know, staff or somebody, but, I mean, not</p> <p>8 that I can recall, would there be anybody. Seems like</p> <p>9 I -- I mean, I haven't been to a White House picnic in</p> <p>10 -- probably since that one that I was at with my niece,</p> <p>11 but I can't even remember who was with me.</p> <p>12 MR. DONNELLAN: All right, Congressman, I'm</p> <p>13 going refer you to Defendants' Exhibit 76, which you may</p> <p>14 have received by now.</p> <p>15 (Exhibit 76 was marked for identification by the</p> <p>16 court reporter and is attached hereto.)</p> <p>17 BY MR. DONNELLAN:</p> <p>18 Q. Let me know if you've got that.</p> <p>19 A. 76 and --</p> <p>20 Q. Yeah, there should be two, 76 and 77. Let's</p> <p>21 focus on 76 first, if you have that.</p> <p>22 A. Okay, I have 76.</p> <p>23 Q. All right. Do you -- have you seen this before,</p> <p>24 this document?</p> <p>25 A. Is this -- is this the subpoena?</p>	<p style="text-align: right;">Page 177</p> <p>1 A. I do not. I do not e-mail.</p> <p>2 Q. Do you have anybody who does e-mail on your</p> <p>3 behalf?</p> <p>4 A. Not directly for me. You will not find any</p> <p>5 thoughts that I have on e-mail for over a decade, for</p> <p>6 security reasons.</p> <p>7 Q. Okay.</p> <p>8 A. So, I am -- I have a receipt type of e-mail,</p> <p>9 where I review -- where I can review a document. But I</p> <p>10 would not have any -- I would not have any e-mails</p> <p>11 from -- from anybody, nor would I send any e-mails that</p> <p>12 would pertain to -- that would pertain to you. Or</p> <p>13 anybody, for that matter.</p> <p>14 Q. So, if somebody wants to send you an e-mail, is</p> <p>15 there a place where you -- is that what you're talking</p> <p>16 about, you have an account --</p> <p>17 A. You can go to -- you can go to my official</p> <p>18 website or my political website, and you can send an</p> <p>19 e-mail through there, that then goes through a process.</p> <p>20 Q. And that's handled by --</p> <p>21 A. It gets triaged and then it would be -- you</p> <p>22 know, go to the appropriate staff person for the</p> <p>23 appropriate response if it's needed.</p> <p>24 Q. And in terms of record keeping, how are records</p> <p>25 kept of those e-mails?</p>

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<p style="text-align: right;">Page 178</p> <p>1 A. Well, that would all be -- that's all 2 privileged. 3 Q. Are records kept of those e-mails? 4 A. To be honest with you, I don't know, but it 5 would be privileged regardless. 6 Q. Well, the reason I ask, Congressman, is I want 7 to ask you whether or not, assuming that there are 8 records kept of those e-mails, whether or not they were 9 searched for responsive documents. 10 A. Yeah, I don't know. I'm sure they were. I 11 don't know what -- well, no, I would not have searched 12 through privileged stuff in my official capacities. 13 Q. When you say privileged, what privilege are you 14 talking about? 15 A. Speech and debate, you can't go through members 16 of Congress' e-mail. But as I told you, I don't have -- 17 I don't e-mail, so there's nothing there anyway. 18 Q. I'm a little confused, so I'm going to ask a few 19 more questions. 20 When you have an e-mail account where you 21 receive e-mails, and the e-mails are handled by your 22 office and -- 23 A. So, if you want to send me an e-mail, then you 24 would go through my official site, you'd fill out a 25 form, and then it goes through and it gets triaged.</p>	<p style="text-align: right;">Page 180</p> <p>1 go through my lawyer. 2 Q. Okay, but they might? 3 A. If somebody -- I mean, look, anybody from the 4 public, you can do it right now. 5 Q. Okay. 6 A. Anybody can go on there and send me an e-mail 7 right now. 8 Q. So, my question is, was any effort made to 9 search e-mails received through that account for 10 responsive documents? 11 A. I don't know, to be honest with you. Because I 12 don't think -- I think that's covered by speech and 13 debate. I would have to check with the -- with the 14 general counsel of the House -- 15 Q. Well, who -- 16 A. -- to see if that's even a -- to see if that's 17 even a possibility. 18 Q. All right. Well, let's put that aside for the 19 moment, just talk about what's happened, again, facts, 20 in terms of what was actually done or not done. 21 When you say you would have to check, were you 22 the one who undertook the document review to comply with 23 the subpoena yourself, or did you delegate that to 24 others? 25 A. I got every document that I had in my possession</p>
<p style="text-align: right;">Page 179</p> <p>1 Most of those I respond to via -- well, sometimes 2 they'll get a phone call within 24 hours, or they'll 3 get -- and then oftentimes they'll get a written 4 response from me, if they want. If not, it might be 5 a -- they might just be asking for some information 6 on -- on some issue, and we would respond that way. 7 Q. If you got a media inquiry through your e-mail, 8 would that be triaged by your office? 9 A. Yes. Other than what I told you on the -- I 10 have the Twitter, the one Tweet from Lizza. 11 Q. Okay. And do -- do you get official 12 correspondence relating to your congressional duties 13 through your e-mail account also? 14 A. Repeat the question. 15 Q. Sure. 16 Do you get e-mails relating to your official 17 duties in Congress through that e-mail account? 18 A. Yeah, pretty much everybody would communicate to 19 me -- that's the way you would communicate to me if you 20 wanted to send me an e-mail. 21 Q. All right. So, if there was a congressional 22 ethics violation, presumably, and they wanted to 23 communicate with you, presumably it would be through 24 that e-mail account? 25 A. I don't know how they would do that. They would</p>	<p style="text-align: right;">Page 181</p> <p>1 and gave it to you. 2 Q. Okay. And then -- 3 A. And then I hired my -- my ethics lawyer, I 4 think, had to go through it, because I think you 5 subpoenaed, like my mom and the campaign and all kinds 6 of other crazy conspiracy theories you guys were on. 7 Q. That's a different subpoena and that's the next 8 exhibit and I'll ask you about that, but just in terms 9 of this subpoena, did you check your e-mail account, 10 your congressional e-mail account for any documents 11 responsive to the subpoena? 12 A. I did not, because I would not do that because I 13 don't control -- it's not my e-mail account, it belongs 14 to the House of Representatives and the official duties 15 of the House. 16 Q. But you have access and control over it, yes? 17 A. I assume so, but I don't -- I don't get in there 18 and look at them. They're all triaged, but I don't know 19 what the protocol for that would even be. But in terms 20 of you asking me for any communications I have, I gave 21 you everything. 22 Q. Okay. 23 A. You're asking about official me versus, you 24 know, what I would have personally. All I have is what 25 -- is Lizza contacting me and whatever else I gave you.</p>

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<p style="text-align: right;">Page 182</p> <p>1 I can't even remember.</p> <p>2 Q. So, where did you look?</p> <p>3 A. I would have looked only places that I would --</p> <p>4 that I would be able to look.</p> <p>5 Q. Which are where?</p> <p>6 A. Which is the --</p> <p>7 Q. Specific.</p> <p>8 A. Which would be on Twitter and anything like</p> <p>9 that.</p> <p>10 Q. When you say anything like that, what --</p> <p>11 A. Any type of social media, anything of that</p> <p>12 nature. If not, there would no other communication.</p> <p>13 Q. All right, so you checked your Twitter account.</p> <p>14 And you have other social media accounts that you</p> <p>15 checked as well?</p> <p>16 A. Parler. I have Rumble. Instagram. Facebook,</p> <p>17 but I don't really check that one.</p> <p>18 Q. Do you engage in -- do you text?</p> <p>19 A. I do text, yep.</p> <p>20 Q. Did you check texts?</p> <p>21 A. I did, but there would have been nothing,</p> <p>22 because I think it deletes after 30 days.</p> <p>23 Q. Your texts delete after 30 days?</p> <p>24 A. I believe so. But texting is very limited, I do</p> <p>25 not put anything particular on texts for security</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Your lawyer informed us that you had no</p> <p>2 responsive documents, even notwithstanding the</p> <p>3 privilege, so that's why I'm trying to explore where you</p> <p>4 looked and whether or not any documents exist.</p> <p>5 Certainly if there are privileged documents, your lawyer</p> <p>6 can prepare a privilege log and you can --</p> <p>7 A. So, there's no documents. I mean, are we going</p> <p>8 to sit here all afternoon? I mean, I've got time, if</p> <p>9 you want to keep going. I gave you everything that I</p> <p>10 had.</p> <p>11 Q. Well --</p> <p>12 A. Unlike you guys, who have lied to the federal</p> <p>13 court and you refused to get into discovery with me.</p> <p>14 Q. Who is your ethics lawyer, who's your lawyer on</p> <p>15 the ethics complaint?</p> <p>16 A. I don't know if I have to tell you that.</p> <p>17 Q. On what basis would you not tell me --</p> <p>18 A. I don't know, it's just continued asking</p> <p>19 questions about my lawyers, so I don't want to go -- we</p> <p>20 already had this discussion before. But we can -- we</p> <p>21 can have it again, but I'm not sure, without talking to</p> <p>22 my ethics lawyer, whether I need to disclose the name of</p> <p>23 my ethics lawyer to you.</p> <p>24 Q. Well, Congressman, you were issued a document</p> <p>25 subpoena, you responded to it that you have no</p>
<p style="text-align: right;">Page 183</p> <p>1 reasons. So, the only thing you would find on there</p> <p>2 would be things like, you know, see you at 7:00 o'clock.</p> <p>3 Q. Do you communicate with your family in Iowa by</p> <p>4 text?</p> <p>5 A. No, other than maybe some pictures or something.</p> <p>6 Q. Did you review your texts to see if you had</p> <p>7 anything responsive to the subpoena?</p> <p>8 A. Yes, I did.</p> <p>9 Q. What about paper files, did you check your paper</p> <p>10 files?</p> <p>11 A. I don't have any real paper files.</p> <p>12 Q. You don't maintain paper files?</p> <p>13 A. As it would relate to this, no.</p> <p>14 Q. As it would relate to any of the topics and any</p> <p>15 of the requests in the subpoena.</p> <p>16 A. No.</p> <p>17 Q. So, you have no paper files relating to the</p> <p>18 ethics complaints and related investigation?</p> <p>19 A. Those would be with my ethics lawyer. And</p> <p>20 they're all frivolous, so I know you like to keep</p> <p>21 bringing those up for your little game that you're</p> <p>22 playing.</p> <p>23 Q. Those would be under your control --</p> <p>24 A. Frivolous ethics complaints would go to my</p> <p>25 ethics lawyer.</p>	<p style="text-align: right;">Page 185</p> <p>1 documents, and --</p> <p>2 A. I don't think I did that. I think I gave you</p> <p>3 the -- I think I gave you what I had.</p> <p>4 Q. I'm entitled to ask these questions to ensure</p> <p>5 that there is an adequate search for responsive</p> <p>6 documents. I know that you may believe that you have</p> <p>7 produced what you need to produce, but that is an area</p> <p>8 that we are entitled to ask questions about and may have</p> <p>9 a different view on. So, that's what these questions</p> <p>10 relate to --</p> <p>11 A. Sounds like you're prepping for an Eighth</p> <p>12 Circuit decision, sounds like you're interested in the</p> <p>13 other case, not this case.</p> <p>14 Q. This subpoena was issued back in February. You</p> <p>15 had -- your lawyer had every opportunity to object and</p> <p>16 to respond to it. He said that a search was conducted,</p> <p>17 that there's no responsive documents, and I'm now</p> <p>18 exploring whether or not an adequate search was</p> <p>19 conducted. You have just testified under oath --</p> <p>20 MR. BISS: Hold on, hold on, that's not an</p> <p>21 accurate statement. Why don't you show the witness his</p> <p>22 response. Why are you playing games with him? Show him</p> <p>23 his response. I'm looking at it right now. It's on the</p> <p>24 screen here. Let's mark it as an exhibit. He responded</p> <p>25 to you. Actually, it was a very lengthy letter, March 2</p>

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<p style="text-align: right;">Page 186</p> <p>1 of 2021. He responded with objections and he responded 2 with reference to documents. 3 So, Jon, I don't think you're being fair with 4 the witness here -- 5 THE WITNESS: I'm going to go farther than that. 6 I'm going to go further than that. You're putting 7 documents in front of me and now I'm not -- I don't know 8 any of these documents that you put in front of me, 9 whether or not they're authentic at this point. 10 If you're going to play that game with me, where 11 you're not even showing -- you know I responded to you. 12 Now I'm not going to talk about any documents because my 13 answers will be that your documents cannot be trusted, 14 just like you and your company cannot be trusted. So, I 15 can't comment on -- I have no opinion on anymore 16 documents that you're going to show me, 'cause I don't 17 know they're authentic and it sounds to me like you're 18 playing a game here 'cause none of this is even 19 relevant, and that's what I was getting to. So, no 20 more -- 21 BY MR. DONNELLAN: 22 Q. That's not your decision. Relevance is not your 23 decision. 24 A. Throw more documents and I'll give you my -- 25 throw more documents at me and I'll give you my answers.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. There's no trick here, Congressman. 2 A. Yeah, right. 3 Q. So, let's catalog all of the places that you 4 searched for documents. You searched your Twitter 5 account, Parler, Instagram, Rumble, Facebook. 6 Did you look at -- 7 A. Any other -- and any other paper documents that 8 I would have had. 9 Q. And where would you have looked for those? You 10 just testified before that you don't keep paper 11 documents. 12 A. I don't. Anything that I would have had that 13 would have been relevant, I'm sure I would have given to 14 you. 15 Q. How did you conduct the business -- 16 A. (Speaking simultaneously). 17 Q. -- of your office without paper documents? 18 A. Well, there are documents as it relates to my 19 official capacities, but as you know, those are 20 privileged. 21 Q. So, are you taking the position, in your 22 response to this subpoena, that you did not search any 23 documents that you consider to be privileged? 24 A. Yeah, that's correct. Nor would anybody else. 25 Q. Okay, so any document --</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. You're represented by your counsel here today. 2 Your counsel can represent to you that this is an 3 authentic subpoena. And your counsel is well aware that 4 he had conversations with counsel for defense, 5 Mr. Boyer, and represented that there were no responsive 6 documents to that category, and I am absolutely entitled 7 to inquire as to where you searched for documents. If 8 you -- 9 A. I gave you -- 10 (Speaking simultaneously) 11 THE WITNESS: I already told you the answer, so 12 quit trying to put words in my mouth. I've answered 13 every one of your stupid questions and I was very clear 14 that I gave you everything that I could possibly have 15 had. There's nothing else that I could have possibly 16 have had. 17 BY MR. DONNELLAN: 18 Q. Let's -- 19 A. So, that's -- and I don't appreciate you playing 20 some trick with me. You knew I responded to you. I 21 mean, I don't remember the exact documentation. This 22 was six months ago. And now I find out that you had the 23 whole letter and you're pretending like there's 24 something nefarious going on here. Nice try for your 25 fake news.</p>	<p style="text-align: right;">Page 189</p> <p>1 A. But I'm telling you, I mean, look, you can go on 2 a conspiracy theory, you can leak out if you want, but 3 I'm telling you there wouldn't be anything that would be 4 relevant for this case. 5 Q. So, in terms of your search, then, you did not 6 review or search any of the -- 7 A. That's privileged communications, but there 8 wouldn't be any that I'm aware of. 9 Q. And your view of privileged communications -- 10 and you're speaking of the speech and debate clause 11 right now; is that right? 12 A. Anything that's -- anything that is in the -- 13 all of that, absolutely. 14 Q. Okay. And your understanding of the scope of 15 that is, anything that touches your office; is that 16 correct? 17 A. That's correct. 18 MR. DONNELLAN: Okay. All right. So let's take 19 a look now at the next exhibit, number 77, which is a 20 subpoena to the Devin Nunes campaign committee. 21 (Exhibit 77 was marked for identification by the 22 court reporter and is attached hereto.) 23 BY MR. DONNELLAN: 24 Q. Have you seen this document before? 25 A. I'm sure I have, but it would have been turned</p>

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<p style="text-align: right;">Page 190</p> <p>1 over to my lawyer.</p> <p>2 Q. Do you have any recollection of seeing it today,</p> <p>3 as you sit here today?</p> <p>4 A. Look, I'm not -- like I told you, I'm not taking</p> <p>5 anything that you put in front of me as authentic.</p> <p>6 They're fabricated, as far as I'm concerned, fabricated</p> <p>7 just like the rest of your story.</p> <p>8 Q. Your counsel can attest to the fact that this is</p> <p>9 an authentic copy of the subpoena and he's forwarded it</p> <p>10 to you. I'm sure he wouldn't have done that if it was</p> <p>11 not authentic.</p> <p>12 Do you have any recollection, as you sit here</p> <p>13 today, of having seen this document before?</p> <p>14 A. I don't know that I have seen the document. I</p> <p>15 do not know.</p> <p>16 Q. What did your campaign committee do to comply</p> <p>17 with this subpoena?</p> <p>18 A. They would have fully complied, would have went</p> <p>19 through the campaign lawyer and ethics lawyers and would</p> <p>20 have complied.</p> <p>21 Q. Did you undertake any steps personally to comply</p> <p>22 with this subpoena?</p> <p>23 A. I'm pretty sure I told my -- I want to make sure</p> <p>24 that my lawyer did a thorough job to make sure we</p> <p>25 provided you everything that we had.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. That I complied -- given instructions to comply</p> <p>2 100 percent, as I've always -- as I've already told you,</p> <p>3 and it was done.</p> <p>4 Q. When you say it was all privileged, are you</p> <p>5 saying that the steps --</p> <p>6 A. I'm not going to get into conversations that I</p> <p>7 had with my lawyer, who it is, who they talked to --</p> <p>8 Q. I'm not asking you that. I'm not asking you</p> <p>9 that. I'm asking you about the testimony you just gave</p> <p>10 that it's all privileged. Is it your position that the</p> <p>11 steps taken to comply with the subpoena were privileged?</p> <p>12 A. Any conversations that I had with my lawyer or</p> <p>13 any names of my lawyers are privileged.</p> <p>14 Q. I understand. I'm not asking about your</p> <p>15 conversations. I'm asking about, as a factual matter,</p> <p>16 what steps were taken to comply.</p> <p>17 A. That would be privileged. We complied. And I'm</p> <p>18 not even sure -- furthermore, what's the relevance of --</p> <p>19 of -- of going after -- subpoenaing me and my campaign?</p> <p>20 I don't know, you subpoena anybody else?</p> <p>21 Q. So, are you saying that the -- again, I just</p> <p>22 want to be clear on this -- that the -- that any</p> <p>23 responsive documents were privileged, or that the --</p> <p>24 that the --</p> <p>25 A. No, we responded.</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. And who was that who you instructed?</p> <p>2 A. I would have instructed my lawyer to do that.</p> <p>3 Q. Which lawyer?</p> <p>4 A. I don't -- I'm not -- because of what you guys</p> <p>5 are doing here, I'm not going to start naming who my</p> <p>6 lawyers are.</p> <p>7 Q. So, you're not going to disclose who the lawyer</p> <p>8 for the campaign committee is who was responsible for</p> <p>9 responding --</p> <p>10 A. I don't think I have any requirement to do that.</p> <p>11 You've already been trashing my lawyer today, smearing</p> <p>12 him, and you've been talking to your buddies in the</p> <p>13 press, so I don't want to expose who my other lawyers</p> <p>14 are because you'll probably smear them, too.</p> <p>15 Q. Was it Elliott Burke?</p> <p>16 A. I'm not going to respond to anything doing with</p> <p>17 my -- it's privileged, as to who my lawyers are.</p> <p>18 Q. The fact of who the lawyer is for the campaign</p> <p>19 committee is privileged, is that your position?</p> <p>20 A. As far as I'm concerned.</p> <p>21 Q. Can you tell me, to the extent to which you</p> <p>22 know, what steps were taken to comply with the subpoena</p> <p>23 by the lawyer to whom you gave it?</p> <p>24 A. It was all privileged.</p> <p>25 Q. (Speaking simultaneously).</p>	<p style="text-align: right;">Page 193</p> <p>1 (Speaking simultaneously)</p> <p>2 THE WITNESS: The search is privileged, but we</p> <p>3 responded in full and gave you everything that we had.</p> <p>4 And I'm not even sure why you would even do that, to</p> <p>5 subpoena that, because it's a little wild and a</p> <p>6 conspiracy theory, but you guys are really good at</p> <p>7 chasing down conspiracy theories and making stuff up.</p> <p>8 BY MR. DONNELLAN:</p> <p>9 Q. And just to be clear, the search -- the</p> <p>10 privilege that you're invoking is, again, the speech and</p> <p>11 debate clause?</p> <p>12 A. It would be speech and debate and privilege</p> <p>13 between who my lawyers are.</p> <p>14 Q. Okay.</p> <p>15 A. And my conversations with them.</p> <p>16 Q. And what responsive documents were located as a</p> <p>17 result of the search?</p> <p>18 A. I don't have any idea. You would probably know.</p> <p>19 I bet you're probably holding that document from me,</p> <p>20 too, just like you tried a few minutes ago. It's</p> <p>21 totally unacceptable.</p> <p>22 Q. Without revealing the substance of any</p> <p>23 communications between you and the campaign committee's</p> <p>24 lawyer, did the campaign committee's lawyer ask you to</p> <p>25 conduct any -- any search, or to look any place for</p>

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<p style="text-align: right;">Page 194</p> <p>1 responsive documents?</p> <p>2 A. That would all be privileged. But we fully</p> <p>3 complied with your subpoena, gave you everything we had.</p> <p>4 Q. Did you discuss the campaign committee subpoena</p> <p>5 with your mother?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Did you discuss it with anybody else in your</p> <p>8 family?</p> <p>9 A. No, I would not have.</p> <p>10 Q. Did you discuss the other subpoena to you</p> <p>11 personally with anyone in your family?</p> <p>12 A. No.</p> <p>13 Q. Did you discuss it with anyone else other than</p> <p>14 your lawyer?</p> <p>15 A. Not that I recall.</p> <p>16 MR. DONNELLAN: All right, why don't we take a</p> <p>17 short break.</p> <p>18 MR. BISS: Is that the proverbial short break?</p> <p>19 MR. DONNELLAN: I'm not quite sure what you</p> <p>20 mean, Steve.</p> <p>21 MR. BISS: Well, you know, the usual, I need ten</p> <p>22 minutes to collect my thoughts and --</p> <p>23 VIDEO OPERATOR: Let me take us off.</p> <p>24 We are now going off the record. The time is</p> <p>25 4:12 p m.</p>	<p style="text-align: right;">Page 196</p> <p>1 those audiotapes for you and get your response --</p> <p>2 MR. DONNELLAN: Hold on, Steve, I'll object to</p> <p>3 that. That goes beyond the scope of my examination. I</p> <p>4 did not ask the Congressman today about any matters that</p> <p>5 were covered by the protective order in this case, and</p> <p>6 he did not testify as to the substance of any matters</p> <p>7 covered by the protective order in this case, and I want</p> <p>8 it to stay that way.</p> <p>9 So, that's beyond the scope of the examination,</p> <p>10 so I object to any attempt to introduce to him or to</p> <p>11 expose him to any of the evidence that's covered by the</p> <p>12 protective order.</p> <p>13 MR. BISS: All right, that's -- that's -- I</p> <p>14 fully understand why you're making that objection. I</p> <p>15 fully understand why you don't want to have him hear</p> <p>16 these tapes. I think it will -- it will upset him more</p> <p>17 than your questions have upset him today.</p> <p>18 But you've asked him multiple times today, you</p> <p>19 asked him about the audiotapes. You also asked him</p> <p>20 about the sources. And so, it's absolutely fair game</p> <p>21 for me to ask him --</p> <p>22 MR. DONNELLAN: It is not fair game. Steven,</p> <p>23 it's not fair game. And you can't unscramble the egg,</p> <p>24 so I would say that we take this -- if you want to take</p> <p>25 this up with the court, we take it up with the court,</p>
<p style="text-align: right;">Page 195</p> <p>1 (Recess taken.)</p> <p>2 VIDEO OPERATOR: We are now back on the record.</p> <p>3 The time is 4:28 p m.</p> <p>4 MR. DONNELLAN: Congressman, that's all the</p> <p>5 questions that I have for you today.</p> <p>6 I am going to leave the deposition open subject</p> <p>7 to, you know, taking up with the court, some of the</p> <p>8 questions that you have either declined to answer or</p> <p>9 have not answered on the basis of privilege or</p> <p>10 otherwise, but that's going to be all for today.</p> <p>11 THE WITNESS: Well, I've answered all your</p> <p>12 questions, so I'm not sure what you would take up with</p> <p>13 the court, but...</p> <p>14 MR. DONNELLAN: Thank you very much for your</p> <p>15 time.</p> <p>16 MR. BISS: Okay, I've got just a couple of</p> <p>17 questions to follow up on some of the things that were</p> <p>18 asked during the deposition today, and let me see if I</p> <p>19 can do this as smoothly as possible.</p> <p>20</p> <p>21 EXAMINATION</p> <p>22 BY MR. BISS:</p> <p>23 Q. Counsel asked you during the deposition whether</p> <p>24 you had ever listened to the audiotapes that Mr. Lizza</p> <p>25 produced. I think you said no. I want to play two of</p>	<p style="text-align: right;">Page 197</p> <p>1 but it's totally inappropriate. We have not asked him</p> <p>2 to sign a protective order. He has not signed a</p> <p>3 protective order. And it is beyond the scope of the</p> <p>4 testimony that I elicited and I asked for, and so I</p> <p>5 object to this and I will -- I will take great exception</p> <p>6 if you try to proceed. I'm going to end the deposition.</p> <p>7 MR. BISS: Why don't you want him to hear what's</p> <p>8 on the tapes? What are you afraid of?</p> <p>9 THE WITNESS: Aren't I the one being deposed,</p> <p>10 doesn't my lawyer have a right to ask me questions? You</p> <p>11 get to end it without my lawyer having time to ask me</p> <p>12 questions, is that how this works?</p> <p>13 MR. DONNELLAN: It's beyond the scope of the</p> <p>14 examination and it's evidence that you are not entitled</p> <p>15 to hear, Congressman.</p> <p>16 MR. BISS: Why isn't he entitled to hear it?</p> <p>17 MR. DONNELLAN: It's governed by the protective</p> <p>18 order.</p> <p>19 MR. BISS: He can sign the witness assurance</p> <p>20 declaration, just like everyone else.</p> <p>21 MR. DONNELLAN: Well, this is our deposition, we</p> <p>22 called the deposition, and we have not asked about any</p> <p>23 evidence that is covered, and it's completely beyond the</p> <p>24 scope of the direct examination, so it's inappropriate.</p> <p>25 You should take it up with the court if you feel that</p>

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<p style="text-align: right;">Page 198</p> <p>1 strongly about it, Steve.</p> <p>2 MR. BISS: I just don't understand how you could</p> <p>3 possibly think that's a valid objection, how you could</p> <p>4 possibly think that you can stop a witness from</p> <p>5 listening to an audiotape that you referred to expressly</p> <p>6 on your direct examination. You examined this witness</p> <p>7 and you referred to the audiotapes. You also --</p> <p>8 MR. DONNELLAN: No, I didn't. All I did was ask</p> <p>9 him if he had heard them, and he said no.</p> <p>10 THE WITNESS: You also asked me about some</p> <p>11 documents, and I said no, I'd like to see them. So, I</p> <p>12 have that on my testimony to you, that I would like to</p> <p>13 see them. If they exist, what you're asking me, I have</p> <p>14 every right to see them. If not, there needs to be</p> <p>15 transparency in this process. Because if you're hiding</p> <p>16 something from me, like you hid my response of my</p> <p>17 subpoena, that's completely outrageous. You can't do</p> <p>18 that.</p> <p>19 MR. DONNELLAN: Steven, if you look at --</p> <p>20 THE WITNESS: You have to show me. You brought</p> <p>21 it up. If they exist, I get to see them. You don't get</p> <p>22 to ask me questions about things that you know and that</p> <p>23 I don't. You did it once, you got caught, now you're</p> <p>24 doing it again. So, now I find out there are audiotapes</p> <p>25 and there's -- are there documents? What kind of</p>	<p style="text-align: right;">Page 200</p> <p>1 sat on this deposition going through conspiracy theory</p> <p>2 after conspiracy theory after conspiracy theory, whether</p> <p>3 it's who's paying lawsuits, or frivolous ethics</p> <p>4 violations, and then you do that bogus little game on me</p> <p>5 where you show me a subpoena and then play some game</p> <p>6 like I haven't complied, and now I find out that you had</p> <p>7 it sitting next to you there as one of the exhibits.</p> <p>8 You asked me if I had seen some type of</p> <p>9 documents. I said no, but I'd like to see them, if I</p> <p>10 want to see Lizza's notes or something like that. If</p> <p>11 there's notes you're damn right I want to see them. And</p> <p>12 it's wrong, it's not transparent, it's totally corrupt,</p> <p>13 and I'm going to go to the judge. I want to go to the</p> <p>14 judge myself. And I'm not ending this deposition. I</p> <p>15 want Steve to continue to ask me questions.</p> <p>16 MR. BISS: You asked him a question --</p> <p>17 (Speaking simultaneously)</p> <p>18 THE WITNESS: Who do the hell do you think you</p> <p>19 are?</p> <p>20 MR. BISS: Jon, you asked him questions about</p> <p>21 the article. You asked him questions about illegal</p> <p>22 immigration. You spent hours --</p> <p>23 (Speaking simultaneously)</p> <p>24 MR. BISS: You talked about the audiotapes. You</p> <p>25 used every single word to open the door here for me to</p>
<p style="text-align: right;">Page 199</p> <p>1 documents have I not seen for this -- for this --</p> <p>2 MR. BISS: You chose to depose this witness.</p> <p>3 You opened the door. You --</p> <p>4 MR. DONNELLAN: No, I did not. No, I did not,</p> <p>5 Steve --</p> <p>6 MR. BISS: Absolutely, you did.</p> <p>7 MR. DONNELLAN: No, I did not --</p> <p>8 MR. BISS: Absolutely, you did.</p> <p>9 (Speaking simultaneously)</p> <p>10 MR. BISS: Now you want to make sure that he</p> <p>11 doesn't get to see that the -- gets to hear what's on</p> <p>12 those audiotapes. You've listened to the audiotapes.</p> <p>13 You know what's on them.</p> <p>14 MR. DONNELLAN: If you go to the protective</p> <p>15 order, paragraph 8E, that during the deposition</p> <p>16 witnesses in the action to whom disclosure is reasonably</p> <p>17 necessary shall be given access to the materials. It's</p> <p>18 not reasonably necessary. I asked him if he'd heard</p> <p>19 them. He said no. That's the end of it.</p> <p>20 MR. BISS: That's not reasonable --</p> <p>21 MR. DONNELLAN: It's not reasonably necessary to</p> <p>22 play them.</p> <p>23 THE WITNESS: Wait, I object to that. I have a</p> <p>24 right, this is my deposition, I totally object to that.</p> <p>25 They definitely -- I do have a reason to know. You've</p>	<p style="text-align: right;">Page 201</p> <p>1 ask him questions about that. You asked him about his</p> <p>2 family, about the operation of the farm.</p> <p>3 And the fact that you don't want these</p> <p>4 audiotapes made public is -- it's beyond alarming. This</p> <p>5 is a matter of extreme public concern. The public --</p> <p>6 MR. DONNELLAN: Steve, you are using this --</p> <p>7 look, you are using this to try to -- to try to publicly</p> <p>8 disclose these and to try to expose them to a witness.</p> <p>9 It's not reasonably necessary, it's not appropriate</p> <p>10 under the order. And to play them right now would be a</p> <p>11 violation of the order and I would move for sanctions</p> <p>12 and move to hold you in contempt.</p> <p>13 MR. BISS: You're not going to scare me with</p> <p>14 your threats.</p> <p>15 MR. DONNELLAN: I don't care whether I'm scaring</p> <p>16 you or not. I'm just putting you on notice.</p> <p>17 (Speaking simultaneously)</p> <p>18 MR. BISS: Go write an article about it, tell</p> <p>19 the Fresno Bee, go write an article --</p> <p>20 MR. DONNELLAN: We should take it up with the</p> <p>21 judge because this is a very serious step that you're</p> <p>22 proposing to take. It's a violation of the protective</p> <p>23 order. It's beyond the scope of the examination. You</p> <p>24 can make your choice, but I would end this deposition</p> <p>25 right now because this is absolutely inappropriate.</p>

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<p style="text-align: right;">Page 202</p> <p>1 MR. BISS: You're trying to conceal material 2 information from the public. That's what you're trying 3 to do. You're trying to assure that the public knows 4 your half of the story. 5 MR. DONNELLAN: If you would like to go to the 6 court and make a motion, you should do it. 7 MR. BISS: (Speaking simultaneously). 8 MR. DONNELLAN: Just the same way that I'm going 9 to go to the court and make a request with respect to 10 matters that the Congressman didn't want to answer 11 today, if you have issues that you would like to take up 12 with the court in connection with this deposition, you 13 should do that, too. And then we'll come back and we 14 will ask questions, and if the court allows you, you can 15 ask questions and play the deposition -- play the tapes 16 for the deposition. But -- 17 MR. BISS: He has a right to know what you did 18 to his family. 19 MR. DONNELLAN: (Speaking simultaneously) 20 MR. BISS: That, he has a right to know. 21 MR. DONNELLAN: He has no right to know this 22 information because it's covered by a protective order 23 that you and I are subject to, and our clients are 24 subject to, and that this would be a violation of the 25 protective order.</p>	<p style="text-align: right;">Page 204</p> <p>1 to keep out of the transcript and -- 2 MR. DONNELLAN: Well, take it up with the court. 3 Take it up with the court, Steve, that's where it 4 belongs. 5 MR. BISS: This witness has a right to know 6 what's on those audiotapes, just like the public does. 7 MR. DONNELLAN: No, he does not. 8 MR. BISS: The public has a right -- 9 MR. DONNELLAN: It is subject to a court 10 order -- 11 (Speaking simultaneously) 12 MR. DONNELLAN: It's subject to a court order 13 and it should be taken up with the court. 14 MR. BISS: Jon, what I find most astounding is, 15 you represent a member of the press, and here we have a 16 classic example, maybe another classic example of the 17 press trying to keep the truth from the people, and 18 including this witness, trying to keep the truth from 19 this witness. And he's entitled to know what's on the 20 audiotapes and to respond to what's on the audiotapes, 21 as part of his testimony in this case, including on the 22 question of damages, on the question of -- 23 MR. DONNELLAN: This witness is not even a party 24 to this case -- 25 MR. BISS: He's a witness.</p>
<p style="text-align: right;">Page 203</p> <p>1 THE WITNESS: You asked me questions about 2 documents that I don't know about and now you're trying 3 to claim that now we don't have to do that -- 4 MR. DONNELLAN: With all due respect, 5 Congressman, I can't discuss this with you, this is 6 between me and your lawyer, and he and I need to work 7 this out. Okay? So, I'm not going to respond to 8 anything that you have to say. 9 THE WITNESS: Well, I also have -- 10 MR. DONNELLAN: If you feel the need to make a 11 speech, you can make a speech. 12 THE WITNESS: I'm not making a speech, but you 13 continue to say that I didn't answer your questions. I 14 answered every single one of your questions, so I want 15 to make sure that that's on this deposition. Hopefully, 16 the judge will read this deposition, 'cause there's 17 nothing that I didn't answer. Matter of fact, I 18 answered all your psychobabble questions about things 19 that have nothing to do, zero relevance whatsoever, 20 including about trips to the White House. Like what -- 21 MR. DONNELLAN: Every single word that you've 22 said is reflected in the transcript and he'll have an 23 opportunity to read it, and your lawyer will have an 24 opportunity to point them out to him. 25 MR. BISS: I'm concerned with what you're trying</p>	<p style="text-align: right;">Page 205</p> <p>1 MR. DONNELLAN: -- Steve. 2 MR. BISS: He's a witness. He's a witness 3 and -- 4 MR. DONNELLAN: He has no entitlement under this 5 order to have access to these materials. If you would 6 like to have a discussion offline about lifting the 7 protective order so that all materials subject to the 8 protective order are disclosed, let's have that 9 discussion. 10 But for right now, we have a protective order, 11 it's in place, it's signed by the judge, and if you were 12 to play this tape right now it would be a violation of 13 that order. 14 MR. BISS: Well, I can tell you this, I am -- 15 I'm shocked by this response. I'm shocked by it, but 16 I'm not surprised. And I'm not going to put myself or 17 my clients, or the witness, in the position of violating 18 a federal court order. I'm not going to give you the 19 satisfaction of preparing a motion for sanctions, but I 20 will tell you this: 21 We are definitely, definitely going to the judge 22 on this, and we're going to seek attorney's fees and 23 costs for you tying up this deposition. We have a few 24 more days left to finish up discovery. How am I going 25 to get to examine this witness on these audiotapes</p>

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<p style="text-align: right;">Page 206</p> <p>1 because of what you're doing? You're effectively 2 running out the clock, that's what you're doing here. 3 And unless you -- 4 MR. DONNELLAN: If you have a valid claim, you 5 take it up with the court, and I'm sure the court will 6 give you relief to pursue that questioning if he deems 7 that it's appropriate, as he's done in other instances 8 where there's been an appropriate request to push out 9 the discovery schedule. So, that's certainly your right 10 and you can make that request. And if the court grants 11 it, we'll come back and we'll finish it. 12 MR. BISS: Just so I'm clear, so you're refusing 13 to go forward with the deposition, you're threatening 14 me, and perhaps the witness, you're threatening me with 15 sanctions and other types of remedies if I proceed with 16 the audiotapes, with showing him and asking him 17 questions about what's on those audiotapes. 18 MR. DONNELLAN: I'm not threatening you. I'm 19 telling you that it would be -- 20 MR. BISS: Sounds like a threat to me. 21 MR. DONNELLAN: Don't mischaracterize it. I am 22 telling you that it would be a violation of the court 23 order and that I will seek relief from the court if you 24 proceed with that. 25 MR. BISS: And what other grounds, other than</p>	<p style="text-align: right;">Page 208</p> <p>1 information? 2 MR. DONNELLAN: Absolutely not. This is my 3 deposition. This is defendants' deposition. I called 4 it. I did not show him those materials and I did not 5 reveal any materials that are subject to the 6 confidentiality order, whether attorney's eyes only or 7 under any lesser standard. And so, there's no basis for 8 him to sign, it's not reasonably necessary to the 9 deposition, and it's beyond the scope of anything that 10 I've asked about. 11 THE WITNESS: So, just so I'm clear, so now, 12 Steve, you don't get to ask me any questions, and 13 anything that he asked of me, he gets to decide whether 14 or not it's relevant or not. So, I'm being treated 15 differently than all the other people that got deposed, 16 which is totally ridiculous and wrong. 17 And I don't know what the hell you guys at 18 Hearst are trying to cover up, but you asked me about 19 audiotapes, you asked me about notes, you asked me about 20 documents, so I get a right to see those documents and 21 hear those tapes, that I now know exist. And if not, 22 you're keeping them from me, a witness, who you've made 23 a witness. And you're the one that called me for a 24 deposition, not Steve. 25 You asked me 90 percent of questions that are</p>
<p style="text-align: right;">Page 207</p> <p>1 what you've stated, what other grounds do you have that 2 it's a violation of the court order? 3 MR. DONNELLAN: As I've already told you, 4 it's -- you can go read the protective order yourself. 5 It's right in there -- 6 MR. BISS: Well, are there any other grounds -- 7 MR. DONNELLAN: And it's also beyond the scope 8 of the direct examination to begin with, so it's 9 completely inappropriate. 10 MR. BISS: Well, it's definitely not beyond the 11 scope, but any other grounds under the protective order 12 that you want to put on the record? This is your 13 opportunity. 14 MR. DONNELLAN: I would just direct you to the 15 protective order, Steve. You've got it. You can read 16 it. You are a party to it and you were part of putting 17 it forward to the court. So -- 18 MR. BISS: I don't think it restricts me at all 19 in the examination of the witness. This witness can 20 sign a witness assurance declaration and he can receive 21 any counsel's eyes only information at all. He's a 22 witness to the deposition. You agree with that, right? 23 MR. DONNELLAN: No, absolutely not. 24 MR. BISS: You don't think -- because you called 25 this witness, I can't show him counsel's eyes only</p>	<p style="text-align: right;">Page 209</p> <p>1 not relevant at all to this case, that are completely 2 just fishing, things that you want to try to push out to 3 all your fake news people. And now you're threatening 4 my lawyer with me on the line. You threatened me a 5 couple times with going to the judge. And then you said 6 that I didn't answer your questions and you're going to 7 the judge, so you're full of threats. 8 But I know this much, those tapes need to get 9 out. If you continue to hide them, I don't know what my 10 legal remedies are, but as far as I'm concerned, this 11 deposition is not complete because of your illegal cover 12 up and activity here, that continues to cover up your 13 lies for the [REDACTED] that you sent out to harass my 14 family. 15 And now there's actual tapes that exist of this? 16 I've never heard of them. So, why do I not get to hear 17 them? I don't know what the court's going to say about 18 this, but this seems totally unfair, that my lawyer 19 doesn't get to ask me any questions. This is absurd. 20 And I don't know what game you think this is, but maybe 21 you should send ICE out to Hearst winery and Hearst 22 ranch or something. What a joke. 23 (Speaking simultaneously) 24 MR. DONNELLAN: I don't agree with your 25 ad hominum characterizations, Congressman, but I think</p>

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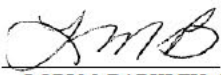
<p style="text-align: right;">Page 210</p> <p>1 we can agree --</p> <p>2 (Speaking simultaneously).</p> <p>3 MR. BISS: Do you think that it's ethical for</p> <p>4 you to stop a deposition based on the grounds that the</p> <p>5 cross-examination exceeds the scope of your direct? Do</p> <p>6 you think that's a legitimate response? I don't think</p> <p>7 that's a legitimate response, and I don't think --</p> <p>8 MR. DONNELLAN: I think it's a legitimate</p> <p>9 response when you're about to violate a protective order</p> <p>10 that's been put in place by the court.</p> <p>11 MR. BISS: I'm not about to violate anything.</p> <p>12 You know I'm not about to violate anything. You know</p> <p>13 that the only reason you're doing this is to hide the</p> <p>14 truth. That's it.</p> <p>15 MR. DONNELLAN: I know, Steve, I know, Steve, I</p> <p>16 understand all the points that you and your client want</p> <p>17 to make right now and that's --</p> <p>18 MR. BISS: So, why not let us make them? Why</p> <p>19 not?</p> <p>20 MR. DONNELLAN: No, no, no, no, if you can get</p> <p>21 off your soapbox right now, I think we have said what we</p> <p>22 have to say for the record, let's close the deposition,</p> <p>23 we can take it up with the court, and anything that you</p> <p>24 want to say to the court in terms of playing attorneys'</p> <p>25 eyes only material that was not covered by this</p>	<p style="text-align: right;">Page 212</p> <p>1 them counsel's eyes only information. That's his point.</p> <p>2 It doesn't -- it's hypocrisy. That's what he's</p> <p>3 concerned about. That's what he's trying --</p> <p>4 MR. DONNELLAN: This is not the right place for</p> <p>5 speeches, okay, we're done. You can take it up with the</p> <p>6 court.</p> <p>7 MR. BISS: We will, we definitely will take it</p> <p>8 up with the court, no question.</p> <p>9 MR. DONNELLAN: The deposition is ended.</p> <p>10 MR. BISS: Thanks for hiding the truth, Jon,</p> <p>11 thanks for trying to hide it. We'll get it out, okay,</p> <p>12 we'll get it out.</p> <p>13 VIDEO OPERATOR: We are now going off the record</p> <p>14 at 4:48 p.m. and this concludes today's testimony given</p> <p>15 by Devin Nunes. The total number of media units used</p> <p>16 was three and will be retained by Veritext Legal</p> <p>17 Solutions. Thank you.</p> <p>18</p> <p>19 (TIME NOTED: 4:48 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 211</p> <p>1 deposition, you can make those arguments to the court.</p> <p>2 MR. BISS: Hey, Jon, so much for the First</p> <p>3 Amendment.</p> <p>4 THE WITNESS: Well, hold on a second. I have</p> <p>5 another question for my lawyer, since we're still in the</p> <p>6 deposition, but I guess you have the right to just shut</p> <p>7 it off, you can just shut me off.</p> <p>8 So, I want to know, I brought up the goons that</p> <p>9 were out in my district that you sent to harass my</p> <p>10 constituents. How did those people know of these people</p> <p>11 that worked for my family years and years and years ago</p> <p>12 unless it was something that my family had provided to</p> <p>13 you --</p> <p>14 MR. DONNELLAN: I'm going to stop you,</p> <p>15 Congressman, and I'm going to --</p> <p>16 (Speaking simultaneously)</p> <p>17 MR. DONNELLAN: Mr. Biss, would you please</p> <p>18 instruct your client to stop with the speeches? There's</p> <p>19 no question pending. We're suspending this deposition</p> <p>20 at this point.</p> <p>21 MR. BISS: Well, the problem is, is that you're</p> <p>22 the one who talks about counsel's eyes only and the</p> <p>23 protective order, and what he's pointing out is the</p> <p>24 hypocrisy of your statement. The fact is, that you sent</p> <p>25 goons out to California and you gave them -- you gave</p>	<p style="text-align: right;">Page 213</p> <p>1 I declare under penalty of perjury</p> <p>2 under the laws of the State of</p> <p>3 California that the foregoing is true</p> <p>4 and correct.</p> <p>5 Executed on _____, 2021, at</p> <p>6 _____, _____.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 SIGNATURE OF WITNESS</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. CS4751278</p>

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<p style="text-align: right;">Page 214</p> <p>1 STATE OF CALIFORNIA) ss. 2 COUNTY OF LOS ANGELES) 3 4 I, Lori M. Barkley, CSR No. 6426, do hereby 5 certify: 6 That the foregoing deposition testimony taken 7 before me at the time and place therein set forth and at 8 which time the witness was administered the oath; 9 That the testimony of the witness and all 10 objections made by counsel at the time of the 11 examination were recorded stenographically by me, and 12 were thereafter transcribed under my direction and 13 supervision, and that the foregoing pages contain a 14 full, true and accurate record of all proceedings and 15 testimony to the best of my skill and ability. 16 I further certify that I am neither counsel for 17 any party to said action, nor am I related to any party 18 to said action, nor am I in any way interested in the 19 outcome thereof. 20 IN WITNESS WHEREOF, I have subscribed my name 21 this 12th day of August 2021. 22 23  24 LORI M. BARKLEY, CSR No. 6426 25</p>	<p style="text-align: right;">Page 216</p> <p>1 Nustar Farms v. Ryan Lizza, Hearst Magazine Media, Inc 2 Devin Nunes (#4751278) 3 ERRATA SHEET 4 PAGE____LINE____CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____LINE____CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____LINE____CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____LINE____CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____LINE____CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____LINE____CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Devin Nunes Date 25</p>
<p style="text-align: right;">Page 215</p> <p>1 Steven S. Biss, Esq. 2 stevenbiss@earthlink.net 3 August 12, 2021 4 RE: Nustar Farms v. Ryan Lizza, Hearst Magazine Media, Inc 5 8/10/2021, Devin Nunes (#4751278) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 Erratas-cs@veritext.com. 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>	

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